

# FEDERAL REGISTER

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**Agencies in this issue—**

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Agricultural Stabilization and  
Conservation Service  
Civil Aeronautics Board  
Coast Guard  
Consumer and Marketing Service  
Customs Bureau  
Federal Power Commission  
Federal Trade Commission  
Food and Drug Administration  
Health, Education, and Welfare  
Department  
Indian Affairs Bureau  
Interior Department  
Internal Revenue Service  
Interstate Commerce Commission  
Land Management Bureau  
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Safety  
National Park Service  
Public Health Service  
Securities and Exchange Commission  
Social Security Administration  
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Veterans Administration  
Wage and Hour Division

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Volume 81

# UNITED STATES STATUTES AT LARGE

[90th Cong., 1st Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1967, reorganization plans, the twenty-fifth amendment to the Constitution, and Presidential proclamations. Also included are: a subject index, tables

of prior laws affected, a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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#### PART 178—COMMERCE IN FIRE- ARMS AND AMMUNITION

On November 6, 1968, a notice of proposed rule making and hearing to issue 26 CFR Part 178, with respect to commerce in firearms and ammunition, was published in the FEDERAL REGISTER (33 F.R. 16285). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions, or to be heard at a hearing held on November 21, 1968. After consideration of all written and oral comments, the regulations as published, including the correction published in the FEDERAL REGISTER (33 F.R. 16647) are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. § 178.1 is changed as follows:

(A) By striking in paragraph (a) "(82 Stat. 236)" and by inserting in lieu thereof "(82 Stat. 236; 18 U.S.C. Appendix)".

(B) By striking the word "of" after the word "business" in paragraph (b) (3) and inserting in lieu thereof the words "or activity by".

PAR. 2. Section 178.2 is changed by striking the word "traffic" and inserting in lieu thereof the word "commerce".

PAR. 3. Section 178.11 is changed as follows:

(A) The definition of "Ammunition" is changed by striking the period at the end thereof and inserting in lieu thereof "other than an antique firearm. The term shall not include (a) any shotgun shot or pellet not designed for use as the single, complete projectile load for one shotgun hull or casing, nor (b) any unloaded nonmetallic shotgun hull or casing not having a primer."

(B) The definition of "Antique firearm" is changed by striking the designations "(1)", "(2)", "(1)", "(1)", and "(ii)" and inserting in lieu thereof "(a)", "(b)", "paragraph (a)", "(1)", and "(2)", respectively.

(C) Immediately after the definition of "Business premises" there is inserted a new definition.

(D) The definition of "Crime punishable by imprisonment for a term exceeding 1 year" is revised to reflect editorial changes.

(E) The definition of "Customs officer" is changed.

(F) The definition of "Date of importation" is deleted.

(G) The definition of "Destructive device" is changed by striking the word

"clauses" in paragraph (a) (6) and inserting in lieu thereof the words "subparagraphs of this definition"; and by inserting in paragraph (c) the word "paragraph" immediately before the designations "(a) or (b)".

(H) The definition of "Firearm frame or receiver" is changed by striking the word "breachlock" and inserting in lieu thereof the word "breachblock".

(I) The definitions of "Licensed dealer", "Licensed importer", and "Licensed manufacturer" are changed by striking the words "Public Law 90-351" and inserting in lieu thereof the words "the Omnibus Crime Control and Safe Streets Act of 1968".

(J) The definition of "Replica", immediately following the definition of Regional Commissioner, is deleted.

(K) Immediately following the definition of "State" there is inserted a new definition.

PAR. 4. Section 178.23 is revised to provide clarifying changes.

PAR. 5. Section 178.26 is changed by striking the word "testing" in each place it appears and inserting in lieu thereof the word "evaluation".

PAR. 6. Section 178.27 is changed by striking from the second sentence thereof the words "to the Assistant Regional Commissioner for transmittal"; by striking from the fourth sentence thereof the words "or to an officer designated by him"; by striking from the fourth sentence the words "or testing," and by inserting in lieu thereof the words "and evaluation."; by striking from the fifth sentence the word "impracticable" and the word "testing.", and inserting in lieu thereof the word "impracticable" and the word "evaluation.", respectively.

PAR. 7. Section 178.28 is changed as follows:

(A) The first sentence of paragraph (a) is changed to read as follows: "(a) The Assistant Regional Commissioner for the internal revenue region in which a person resides may authorize that person to transport in interstate or foreign commerce any destructive device, machine gun, short-barreled shotgun, or short-barreled rifle, if he finds that such transportation is reasonably necessary and is consistent with public safety and applicable State and local law."

(B) Paragraph (c) is changed.

PAR. 8. Section 178.30 is changed by inserting after the word "give" in the first sentence thereof a "and".

PAR. 9. Immediately after § 178.34 there is inserted a new § 178.35.

PAR. 10. Paragraph (b) of § 178.41 is revised to make editorial changes; paragraph (c) is redesignated as paragraph (d); and a new paragraph (e) is added.

PAR. 11. Section 178.43 is changed by adding a new sentence at the end thereof to read as follows: "However, the license fee submitted with an application for a

license shall be refunded if that application is denied."

PAR. 12. Section 178.44 is changed by striking from the first sentence of paragraph (b) the words "engage in such activity" and inserting in lieu thereof the words "maintain his collection premises"; and by inserting in the second sentence of paragraph (c) the word "Firearms" immediately following the word "Federal".

PAR. 13. Section 178.46 is changed.

PAR. 14. Paragraphs (b) (6) and (c) of § 178.47 are changed.

PAR. 15. Section 178.48 is changed by striking the words "and the copy thereof furnished with the license," from each place they appear; by striking the words "and the copy thereof" and "and the copy thereof," from each place they appear; and by striking the word "may" in the last sentence of paragraph (b) and inserting in lieu thereof the word "shall".

PAR. 16. Section 178.52 is changed by revising the first sentence thereof to read: "A licensee may during the term of his current license remove his business or activity to a new location at which he intends regularly to carry on such business or activity, without procuring a new license."

PAR. 17. Immediately after § 178.58 there are inserted two new sections, §§ 178.59 and 178.60.

PAR. 18. The first sentence of § 178.78 is changed by striking the words "If, after" and inserting in lieu thereof the word "After".

PAR. 19. Section 178.81 is changed by striking the words "such as meets the needs of the parties;" and inserting in lieu thereof the words "at a location convenient to the aggrieved party:".

PAR. 20. The first sentence of § 178.82 is changed by adding a "and" immediately following the words "has expired"; and by adding a proviso immediately following the words "licensee has passed" to read as follows: "Provided, That under the condition of paragraph (a) of this section, the licensee has timely filed an application for the renewal of his license".

PAR. 21. Section 178.92 is changed (A) by striking the designation "(a)"; (B) by striking the designation "(b)" and inserting in lieu thereof the words "and by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame, receiver, or barrel thereof in a manner not susceptible of being readily obliterated, altered or removed."; (C) by striking the designation " (c) " and inserting in lieu thereof " (d) "; (D) by striking the words "guage, (d) " and inserting in lieu thereof the word "gauge"; (E) by striking the designation " (e) " and inserting in lieu thereof " (e) " and (F) by striking the words



“, and (f)” and inserting in lieu thereof the word “; and”.

PAR. 22. Section 178.93 is changed by striking the word “shipments” in paragraph (a) thereof and inserting in lieu thereof the word “shipment”; and by striking the text following “and (b)” and inserting in lieu thereof “any transaction with a nonlicensee involving any firearm or ammunition other than a curio or relic. (See also § 178.50.)”

PAR. 23. Section 178.94 is changed.

PAR. 24. Section 178.95 is changed as follows:

(A) by changing paragraph (b) thereof to read: “(b) Make a reproduction of his license, enter upon such reproduction the statement: ‘I certify that this is a true copy of a license issued to me to engage in the business specified in Item 5,’ and sign his name adjacent thereto, or”; and

(B) by striking the word “additional” in the first sentence of paragraph (c) thereof and inserting in lieu thereof the word “certified”.

PAR. 25. Paragraphs (b), (c), and (d) of § 178.96 are changed.

PAR. 26. Sections 178.97 and 178.98 are changed.

PAR. 27. Paragraphs (a) and (c) of § 178.99 are changed.

PAR. 28. Section 178.100 is changed by adding the words “and ammunition” immediately following the word “firearms”.

PAR. 29. Paragraph (b) (1) of § 178.111 is changed, and paragraph (c) is added.

PAR. 30. Section 178.112 is changed as follows:

(A) Paragraph (a) is changed by striking “(1) unless (1) if a firearm, it is identified as required by this part, and (2)” and by deleting “(3)” immediately following “ammunition, or”.

(B) Paragraphs (b) and (d) are changed by striking “(if ammunition)” immediately following the word “size”.

PAR. 31. Section 178.113 is changed as follows:

(A) Paragraph (b) is changed by deleting “(if ammunition)” immediately following the word “size” in subparagraph (2), by inserting the word “and” following existing text of subparagraph (5), by deleting all of subparagraph (6), and by renumbering subparagraph “(7)” as “(6)”.

(B) Paragraph (c) is changed by revising the second sentence to read “In obtaining the release of the firearm or ammunition from Customs custody, the licensee importing same shall furnish a Form 6A (Firearms) to the Customs officer releasing the firearm or ammunition.”

(C) Paragraphs (d) and (e) are deleted.

PAR. 32. Section 178.114 is changed by deleting paragraph (a); redesignating paragraphs (b) and (c) as paragraphs (a) and (b), respectively, and revising such redesignated paragraphs; and adding a new paragraph (c).

PAR. 33. Section 178.115 is changed by adding at the end of paragraph (a), “Registration on Customs Form 4457 or on any other registration document available for this purpose may be completed before departure from the United

States at any U.S. customhouse or any office of an Assistant Regional Commissioner. A bill of sale or other commercial document showing transfer of the firearm or ammunition in the United States to such person also may be used to establish proof that the firearm or ammunition was taken out of the United States by such person. Firearms and ammunition furnished under the provisions of section 925(a)(3) of the Act to military members of the U.S. Armed Forces on active duty outside of the United States also may be imported into the United States or any possession thereof by such military members upon establishing to the satisfaction of Customs that such firearms and ammunition were so obtained.”; and by adding a new paragraph (d).

PAR. 34. Section 178.116 is changed by adding, in the last sentence and immediately following the words “released from Customs custody” the words “upon the payment of customs duties, if applicable, and”.

PAR. 35. A new section, § 178.117, is added immediately following § 178.116.

PAR. 36. Paragraph (a) of § 178.121 is changed.

PAR. 37. Paragraphs (a), (b), and (d) of §§ 178.122 and 178.123 are changed.

PAR. 38. Sections 178.124 and 178.125 are changed.

PAR. 39. Paragraph (b) of § 178.144 is changed by revising the last sentence to read “The application shall be filed, in triplicate, with the Assistant Regional Commissioner for the internal revenue region wherein the applicant resides.”

PAR. 40. Section 178.166 is changed by striking “5848(a)” and by inserting in lieu thereof “5845(a)”.

Because these regulations implement Title I, State Firearms Control Assistance (18 U.S.C., chapter 44) of the Gun Control Act of 1968 (82 Stat. 1213) which becomes effective December 16, 1968, it is found that it is impracticable and contrary to the public interest to publish these regulations subject to the effective date limitation of 5 U.S.C. 553(d). Accordingly, these regulations shall become effective on December 16, 1968.

SHELDON S. COHEN,

Commissioner of Internal Revenue.

Approved: December 12, 1968.

JAMES PONEROY HENDRICK,

Special Assistant to the Secretary  
(for Enforcement).

In order to implement the provisions of Title I, State Firearms Control Assistance (18 U.S.C., chapter 44), of the Gun Control Act of 1968 (82 Stat. 1213), and Title VII, Unlawful Possession or Receipt of Firearms (82 Stat. 236; 18 U.S.C., Appendix), of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 197), as amended by Title III of the Gun Control Act of 1968 (82 Stat. 1236), the following regulations are hereby prescribed as Part 178 of Title 26 of the Code of Federal Regulations:

Preamble. 1. These regulations, 26 CFR Part 178, “Commerce in Firearms and Ammunition,” supersede regula-

tions 26 CFR Part 177 issued under the Federal Firearms Act (U.S.C., title 15, chapter 18).

2. These regulations shall not affect any act done or any liability or right accruing, or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. These regulations shall be effective on and after December 16, 1968.

## PART 178—COMMERCE IN FIREARMS AND AMMUNITION

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**AUTHORITY:** The provisions of this Part 178 issued under 82 Stat. 1213–1226, 18 U.S.C. 921–928, 82 Stat. 236, as amended, unless otherwise noted.

**Subpart A—Introduction**

**§ 178.1 Scope of regulations.**

(a) *In general.* The regulations contained in this part relate to commerce in firearms and ammunition and are promulgated to implement Title I, State Firearms Control Assistance (18 U.S.C. Chapter 44), of the Gun Control Act of 1968 (82 Stat. 1213), and Title VII, Unlawful Possession or Receipt of Firearms (82 Stat. 236; 18 U.S.C. Appendix) of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 197) as amended by Title III of the Gun Control Act of 1968 (82 Stat. 1236).

(b) *Procedural and substantive requirements.* This part contains the procedural and substantive requirements relative to:

- (1) The interstate or foreign commerce in firearms and ammunition;
- (2) The licensing of manufacturers, importers, and collectors of, and dealers in, firearms and ammunition;
- (3) The conduct of business or activity by licensees;
- (4) The importation of firearms and ammunition;
- (5) The records and reports required of licensees;
- (6) Relief from disabilities under this part; and
- (7) Exempt interstate and foreign commerce in firearms and ammunition.

(c) *Federal Firearms Act licenses.* This part fully applies to operations by persons licensed under the Federal Firearms Act and Part 177 of this chapter who are continuing their operations under such license pursuant to section 907 of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 235). Any reference in this part to "license," "licensee," "licensed dealer," "licensed importer," "licensed manufacturer," etc., shall apply equally as the case may be to licenses and persons licensed under the Federal Firearms Act who are continuing operations pursuant to a license issued under that Act.

**§ 178.2 Relation to other provisions of law.**

The provisions in this part are in addition to, and are not in lieu of, any other provision of law, or regulations, respecting commerce in firearms or ammunition. For regulations applicable to traffic in machine guns, destructive devices, and certain other firearms, see Part 179 of this chapter. For statutes applicable to the registration and licensing of persons engaged in the business of manufacturing, importing or exporting arms, ammunition, or implements of war, see section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), and regulations thereunder. For statutes applicable to non-mailable firearms, see 18 U.S.C. 1715 and regulations thereunder.

**Subpart B—Definitions**

**§ 178.11 Meaning of terms.**

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude other things not enumerated which are in the same general class or are otherwise within the scope thereof.

*Act.* Chapter 44 of title 18 of the United States Code.

*Ammunition.* Ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm other than an antique firearm. The term shall not include (a) any shotgun shot or

pellet not designed for use as the single, complete projectile load for one shotgun hull or casing, nor (b) any unloaded, non-metallic shotgun hull or casing not having a primer.

*Antique firearm.* (a) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and (b) any replica of any firearm described in paragraph (a) of this definition if such replica (1) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (2) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

*Assistant Regional Commissioner.* An Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of, a Regional Commissioner of Internal Revenue.

*Business premises.* The property on which firearms or ammunition importing, manufacturing or dealing business is or will be conducted. A private dwelling, no part of which is open to the public, shall not be recognized as coming within the meaning of the term.

*Collection premises.* The premises described on the license of a collector as the location at which he maintains his collection of curios and relics.

*Collector.* Any person who acquires, holds, or disposes of firearms or ammunition as curios or relics.

*Commerce.* Travel, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any State or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country.

*Commissioner.* The Commissioner of Internal Revenue.

*Crime punishable by imprisonment for a term exceeding 1 year.* Any offense for which the maximum penalty, whether or not imposed, is capital punishment or imprisonment in excess of 1 year. The term shall not include (a) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulations of business practices excluded from the meaning of the term under provisions contained in this part, or (b) any State offense (other than one involving a firearm or explosive) classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of 2 years or less.

*Curios or relics.* Firearms or ammunition which are of special interest to collectors by reason of some quality other than is ordinarily associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms and ammunition must fall within one of the following categories:



(a) Firearms and ammunition which were manufactured at least 50 years prior to the current date, but not including replicas thereof;

(b) Firearms and ammunition which are certified by the curator of a municipal, State, or Federal museum which exhibits firearms to be curios or relics of museum interest; and

(c) Any other firearms or ammunition which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm or item of ammunition under this category may be established by evidence of present value and evidence that like firearms or ammunition are not available except as collector's items, or that the value of like firearms or ammunition available in ordinary commercial channels is substantially less.

**Customs officer.** Any officer of the Bureau of Customs or any agent or other person authorized by law or by the Secretary of the Treasury, or appointed in writing by a Regional Commissioner of Customs, or by another principal customs officer under delegated authority, to perform the duties of an officer of the Bureau of Customs.

**Dealer.** Any person engaged in the business of selling firearms or ammunition at wholesale or retail; any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms; or any person who is a pawnbroker.

**Destructive device.** (a) Any explosive, incendiary, or poison gas (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than 4 ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine, or (6) device similar to any of the devices described in the preceding subparagraphs of this definition; (b) any type of weapon (other than a shotgun or a shotgun shell which the Director finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (c) any combination of parts either designed or intended for use in converting any device into any destructive device described in paragraph (a) or (b) of this definition and from which a destructive device may be readily assembled. The term shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10, United States Code; or any other device which the Director finds is not likely to

be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting purposes.

**Director.** The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D.C. 20224.

**Discharged under dishonorable conditions.** Separation from the U.S. Armed Forces resulting from a Bad Conduct Discharge or a Dishonorable Discharge.

**District Director.** A District Director of Internal Revenue.

**Executed under penalties of perjury.** Signed with the prescribed declaration under the penalties of perjury as provided on or with respect to the return, form, or other document or, where no form of declaration is prescribed, with the declaration: "I declare under the penalties of perjury that this—(insert type of document, such as, statement, application, request, certificate), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct, and complete."

**Federal Firearms Act.** Chapter 18 of title 15, United States Code, as in effect on December 15, 1968.

**Felony.** Any offense punishable by imprisonment for a term exceeding 1 year. The term shall not include any offense (other than one involving a firearm or explosive) classified as a misdemeanor under the laws of a State and punishable by a term of imprisonment of 2 years or less.

**Firearm.** Any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device; but the term shall not include an antique firearm. In the case of a licensed collector, the term shall mean only curios and relics.

**Firearm frame or receiver.** That part of a firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.

**Fugitive from justice.** Any person who has fled from any State to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

**Importation.** The bringing of a firearm or ammunition into the United States; except that the bringing of a firearm or ammunition from outside the United States into a foreign-trade zone for storage pending shipment to a foreign country or subsequent importation into this country, pursuant to this part, shall not be deemed importation.

**Importer.** Any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution.

**Indictment.** Includes an indictment or information in any court under which a crime punishable by imprisonment for a term exceeding 1 year may be prosecuted.

**Internal Revenue Code of 1954.** Title 26, United States Code.

**Internal revenue district.** An internal revenue district under the jurisdiction of a District Director of Internal Revenue.

**Internal revenue region.** An internal revenue region under the jurisdiction of a Regional Commissioner of Internal Revenue.

**Interstate or foreign commerce.** Includes commerce between any place in a State and any place outside of that State, or within any possession of the United States (not including the Canal Zone) or the District of Columbia. The term shall not include commerce between places within the same State but through any place outside of that State.

**Licensed collector.** A collector of curios and relics only and licensed under the provisions of this part.

**Licensed dealer.** A dealer licensed under the provisions of this part, and a dealer licensed under the Federal Firearms Act if such license is deemed valid under section 907 of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 235).

**Licensed importer.** An importer licensed under the provisions of this part, and a manufacturer (as that term was defined in the Federal Firearms Act) licensed under the Federal Firearms Act if such license is deemed valid under section 907 of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 235).

**Licensed manufacturer.** A manufacturer licensed under the provisions of this part, and a manufacturer (as that term was defined in the Federal Firearms Act) licensed under the Federal Firearms Act if such license is deemed valid under section 907 of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 235).

**Machine gun.** Any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination or parts designed and intended for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

**Manufacturer.** Any person engaged in the manufacture of firearms or ammunition for purposes of sale or distribution.

**National Firearms Act.** Chapter 53 of the Internal Revenue Code of 1954.

**Pawnbroker.** Any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm or ammunition as security for the payment or repayment of money.

**Person.** Any individual, corporation, company, association, firm, partnership, society, or joint stock company.

**Published ordinance.** A published law of any political subdivision of a State which the Director determines to be relevant to the enforcement of this part and which is contained on a list compiled by the Director, which list is published in the FEDERAL REGISTER, revised annually, and



furnished to each licensee under this part.

**Regional Commissioner.** A Regional Commissioner of Internal Revenue.

**Rifle.** A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

**Short-barreled rifle.** A rifle having one or more barrels less than 16 inches in length, and any weapon made from a rifle, whether by alteration, modification, or otherwise, if such weapon, as modified, has an overall length of less than 26 inches.

**Short-barreled shotgun.** A shotgun having one or more barrels less than 18 inches in length, and any weapon made from a shotgun, whether by alteration, modification, or otherwise, if such weapon as modified has an overall length of less than 26 inches.

**Shotgun.** A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

**State.** A State of the United States. The term shall include the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).

**State of residence.** The State in which an individual regularly resides, or maintains his home, or if such person is on active duty as a member of the United States Armed Forces, the State in which his permanent duty station is located: *Provided*, That an alien who is legally in the United States shall be considered to be a resident of the State in which (a) he is residing and has so resided for a period of at least 90 days prior to the date of sale or delivery of a firearm or ammunition, or (b) his embassy or consulate is located if the principal officer of such embassy or consulate issues a written statement to such alien authorizing his acquisition of a firearm or ammunition. Temporary sojourn in a State does not make the State of temporary sojourn the State of residence.

**Example 1.** A maintains his home in State X. He travels to State Y on a hunting, fishing, business or other type of trip. He does not become a resident of State Y by reason of such trip.

**Example 2.** A maintains a home in State X and a home in State Y. He resides in State X except for the summer months of the year and in State Y for the summer months of the year. During the time that he actually resides in State X he is a resident of State X, and during the time that he actually resides in State Y he is a resident of State Y.

**Unserviceable firearm.** A firearm which is incapable of discharging a shot by means of an explosive and is incapable of being readily restored to a firing condition.

**U.S.C.** The United States Code.

## Subpart C—Administrative and Miscellaneous Provisions

### § 178.21 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished, as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part.

### § 178.22 Emergency variations from requirements.

(a) The Director may approve variations from the requirements of this part when he finds that an emergency exists and that the proposed variations from the specific requirements (1) are necessary, (2) will not hinder the effective administration of this part, and (3) will not be contrary to any provisions of law.

(b) Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations with respect thereto set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations, and the licensee thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variation may be withdrawn whenever in the judgment of the Director the effective administration of this part is hindered by the continuation of such variation. A licensee who desires to employ such variation shall submit a written application so to do, in triplicate, to the Assistant Regional Commissioner for transmittal to the Director. The application shall describe the proposed variation and set forth the reasons therefor. A variation shall not be employed until the application has been approved. The licensee shall retain, as part of his records, available for examination by internal revenue officers, any application approved by the Director under the provisions of this section.

### § 178.23 Right of entry and examination.

Any internal revenue officer may enter during business hours the premises, including places of storage, of any licensed importer, licensed manufacturer, licensed dealer, or licensed collector for the purpose of inspecting or examining any records or documents required to be kept by such importer, manufacturer, dealer, or collector under this part, and any firearms or ammunition kept or stored by such importer, manufacturer, dealer, or collector at such premises.

### § 178.24 Published ordinances.

The Director is authorized to compile, publish in the *FEDERAL REGISTER*, annually revise, and furnish to each licensee, a list of published ordinances which are relevant to the enforcement of this part.

### § 178.25 Disclosure of information.

Upon receipt of written request of any State or any political subdivision there-

of, the Assistant Regional Commissioner may make available to such State or any political subdivision thereof, any information which the Assistant Regional Commissioner may obtain by reason of the provisions of the Act with respect to the identification of persons within such State or political subdivision thereof, who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition.

### § 178.26 Curio and relic determination.

A licensed collector who desires to obtain a determination whether a particular firearm or ammunition is a curio or relic shall submit a written request, in duplicate, for a ruling thereon to the Assistant Regional Commissioner. Each such request shall be executed under the penalties of perjury and shall contain a complete and accurate description of the firearm or ammunition, and such photographs, diagrams, or drawings as may be necessary to enable the Assistant Regional Commissioner to make his determination. The Assistant Regional Commissioner may require the submission to him, or to an officer designated by him, of the firearm or ammunition for examination and evaluation. If the submission of the firearm or ammunition is impractical, the licensed collector shall so advise the Assistant Regional Commissioner and designate the place where the firearm or ammunition will be available for examination and evaluation.

### § 178.27 Destructive device determination.

The Director shall determine in accordance with 18 U.S.C. 921(a)(4) whether a device is excluded from the definition of a destructive device. A person who desires to obtain a determination under that provision of law for any device which he believes is not likely to be used as a weapon shall submit a written request, in triplicate, for a ruling thereon to the Director. Each such request shall be executed under the penalties of perjury and contain a complete and accurate description of the device, the name and address of the manufacturer or importer thereof, the purpose of and use for which it is intended, and such photographs, diagrams, or drawings as may be necessary to enable the Director to make his determination. The Director may require the submission to him, of a sample of such device for examination and evaluation. If the submission of such device is impracticable, the person requesting the ruling shall so advise the Director and designate the place where the device will be available for examination and evaluation.

### § 178.28 Transportation of destructive devices and certain firearms.

(a) The Assistant Regional Commissioner for the internal revenue region in which a person resides may authorize that person to transport in interstate or foreign commerce any destructive device, machine gun, short-barreled shotgun, or short-barreled rifle, if he finds that such transportation is reasonably necessary



and is consistent with public safety and applicable State and local law. A person who desires to transport in interstate or foreign commerce any such device or weapon shall submit a written request so to do, in duplicate, to the Assistant Regional Commissioner. The request shall contain:

(1) A complete description and identification of the device or weapon to be transported;

(2) A statement whether such transportation involves a transfer of title;

(3) The need for such transportation;

(4) The approximate date such transportation is to take place;

(5) The present location of such device or weapon and the place to which it is to be transported;

(6) The mode of transportation to be used (including, if by common or contract carrier, the name and address of such carrier); and

(7) Evidence that the transportation or possession of such device or weapon is not inconsistent with the laws at the place of destination.

(b) No person shall transport any destructive device, machine gun, short-barreled shotgun, or short-barreled rifle in interstate or foreign commerce under the provisions of this section until he has received specific authorization so to do from the Assistant Regional Commissioner. Authorization granted under this section does not carry or import relief from any other statutory or regulatory provision relating to firearms.

(c) This section shall not be construed as requiring licensees to obtain authorization to transport destructive devices, machine guns, short-barreled shotguns, and short-barreled rifles in interstate or foreign commerce: *Provided*, That in the case of a licensed importer, licensed manufacturer, or licensed dealer, such a licensee is qualified under the National Firearms Act (see also Part 179 of this chapter) and this part to engage in the business with respect to the device or weapon to be transported, and that in the case of a licensed collector, the device or weapon to be transported is a curio or relic.

#### § 178.29 Out-of-State acquisition of firearms by nonlicensees.

No person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, shall transport into or receive in the State where he resides (or if a corporation or other business entity, where it maintains a place of business) any firearm purchased or otherwise obtained by such person outside that State: *Provided*, That the provisions of this section (a) shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State, (b) shall not apply to the transportation or receipt of a rifle or shotgun obtained in conformity with the provisions of §§ 178.30, 178.96, and 178.97, and (c)

shall not apply to the transportation of any firearm acquired in any State prior to the effective date of the Act.

#### § 178.30 Out-of-State disposition of firearms by nonlicensees.

No nonlicensee shall transfer, sell, trade, give, transport, or deliver any firearm to any other nonlicensee, who the transferor knows or has reasonable cause to believe resides in any State other than that in which the transferor resides (or if a corporation or other business entity, where it maintains a place of business): *Provided*, That the provisions of this section shall not apply to (a) the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or any acquisition by intestate succession of a firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence, and (b) the loan or rental of a firearm to any person for temporary use for lawful sporting purposes.

#### § 178.31 Delivery by common or contract carrier.

(a) No person shall knowingly deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce to any person other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm or ammunition is being transported or shipped: *Provided*, That any passenger who owns or legally possesses a firearm or ammunition being transported aboard any common or contract carrier for movement with the passenger in interstate or foreign commerce may deliver said firearm or ammunition into the custody of the pilot, captain, conductor or operator of such common or contract carrier for the duration of that trip without violating any provision of this part.

(b) No common or contract carrier shall transport or deliver in interstate or foreign commerce any firearm or ammunition with knowledge or reasonable cause to believe that the shipment, transportation, or receipt thereof would be in violation of any provision of this part: *Provided, however*, That the provisions of this paragraph shall not apply in respect to the transportation of firearms or ammunition in in-bond shipment under Customs laws and regulations.

#### § 178.32 Prohibited shipment, transportation, or receipt of firearms and ammunition by certain persons.

(a) No person may ship or transport any firearm or ammunition in interstate or foreign commerce, or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, who (1) is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year, (2) is a fugitive from justice, (3) is an unlawful user of or addicted to marihuana or any depressant or stimulant drug (as defined in section 201(v)

of the Federal Food, Drug, and Cosmetic Act), or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954), or (4) has been adjudicated as a mental defective or who has been committed to a mental institution.

(b) A firearm may not be received, possessed, or transported in commerce or affecting commerce by any person who (1) has been convicted by a court of the United States or of a State or any political subdivision thereof of a felony, (2) has been discharged from the Armed Forces under dishonorable conditions, (3) has been adjudged by a court of the United States or of a State or any political subdivision thereof of being mentally incompetent, or (4) having been a citizen of the United States has renounced his citizenship, or (5) being an alien is illegally in the United States.

(c) Any individual who to his knowledge and while being employed by any person coming within a classification contained in paragraph (b) of this section, may not in the course of such employment receive, possess, or transport a firearm in commerce or affecting commerce.

(d) The provisions of paragraph (b) of this section shall not apply to any prisoner who by reason of duties connected with law enforcement has expressly been entrusted with a firearm by competent authority of the prison, and the provisions of paragraphs (b) and (c) of this section shall not apply to any person, or any employee employed by such person, who has been pardoned by the President of the United States or the chief executive of a State and has expressly been authorized by the President or such chief executive, as the case may be, to receive, possess, or transport in commerce a firearm.

#### § 178.33 Stolen firearms and ammunition.

No person shall transport or ship in interstate or foreign commerce any stolen firearm or stolen ammunition knowing or having reasonable cause to believe that the firearm or ammunition was stolen, and no person shall receive, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition which is moving as, which is a part of, or which constitutes interstate or foreign commerce, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

#### § 178.34 Removed, obliterated, or altered serial number.

No person shall knowingly transport, ship, or receive in interstate or foreign commerce any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered.

#### § 178.35 Skeet, trap, target, and similar shooting activities.

Licensing and recordkeeping requirements, including permissible alternate records, for skeet, trap, target, and similar organized activities shall be determined by the Assistant Regional Commissioner on a case by case basis.



**Subpart D—Licenses**

**§ 178.41 General.**

(a) Each person intending to engage in business as in importer or manufacturer of, or a dealer in, firearms or ammunition shall, before commencing such business, obtain the license required by this subpart for the business to be operated. Each person who desires to obtain the privileges granted by the Act and this part to a licensed collector may obtain such a license under the provisions of this subpart.

(b) Each person intending to engage in business as a firearms or ammunition importer, manufacturer, or dealer shall file an application, with the required fee (see § 178.42), with the District Director for the internal revenue district in which his premises are to be located, and, pursuant to § 178.47, receive the license required for such business from the Assistant Regional Commissioner. A separate license must be obtained for each business and each place at which the applicant is to do business. Such license shall, subject to the provisions of the Act and other applicable provisions of law, entitle the licensee to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce, and to engage in the business specified by the license, at the location described on the license, and for the period stated on the license: *Provided*, That it shall not be necessary for a licensed importer or a licensed manufacturer to also obtain a dealer's license in order to engage in business on his licensed premises as a dealer in the same type of firearms or ammunition authorized by his license to be imported or manufactured: *Provided further*, That the payment of the license fee as an importer or manufacturer of, or a dealer in, destructive devices and ammunition for destructive devices includes the privilege of importing, manufacturing or dealing in, as the case may be, firearms other than destructive devices and ammunition for other than destructive devices by such a licensee at his licensed premises.

(c) Each person seeking the privileges of a collector licensed under this part shall file an application, with the required fee (see § 178.42), with the District Director for the internal revenue district in which his collection premises are to be located, and, pursuant to § 178.47, receive from the Assistant Regional Commissioner the license covering the collection of curios and relics. A separate license may be obtained for each collection premises, and such license shall, subject to the provisions of the Act and other applicable provisions of law, entitle the licensee to transport, ship, receive, and acquire curios and relics in interstate or foreign commerce, and to make disposition of curios and relics in interstate or foreign commerce to any other person licensed under the provisions of this part, for the period stated on the license.

(d) The collector license provided by this part shall apply only to transactions related to a collector's activity in acquiring, holding or disposing of curios and

relics. A collector's license does not authorize the collector to engage in a business required to be licensed under the Act or this part. Therefore, if the acquisitions and dispositions of curios and relics by a collector bring the collector within the definition of a manufacturer, importer, or dealer under this part, he shall qualify as such. (See also § 178.93 of this part.)

**§ 178.42 License fees.**

Each applicant shall pay a fee for obtaining a license, a separate fee being required for each business or collecting activity at each place of such business or activity, as follows:

- (a) For a manufacturer:
  - (1) Of destructive devices or ammunition for destructive devices—\$1,000 per year.
  - (2) Of firearms other than destructive devices—\$50 per year.
  - (3) Of ammunition for firearms other than destructive devices—\$10 per year.
- (b) For an importer:
  - (1) Of destructive devices or ammunition for destructive devices—\$1,000 per year.
  - (2) Of firearms other than destructive devices or ammunition for firearms other than destructive devices—\$50 per year.
- (c) For a dealer:
  - (1) In destructive devices or ammunition for destructive devices—\$1,000 per year.
  - (2) Who is a pawnbroker dealing in firearms other than destructive devices or ammunition for firearms other than destructive devices—\$25 per year.
  - (3) Who is not a dealer in destructive devices or a pawnbroker—\$10 per year.
- (d) For a collector of curios and relics—\$10 per year.

**§ 178.43 License fee not refundable.**

No refund of any part of the amount paid as a licensee fee shall be made where the operations of the licensee are, for any reason, discontinued during the period of an issued license. However, the license fee submitted with an application for a license shall be refunded if that application is denied.

**§ 178.44 Original license.**

(a) Any person who intends to engage in business as a firearms or ammunition importer, manufacturer, or dealer on or after the effective date of this part, or who has not previously been licensed under the provisions of this part to so engage in business, or who has not timely submitted application for renewal of his previous license issued under this part, shall, except as provided in paragraph (c) of this section, file with the District Director for the internal revenue district in which the applicant is to do business an application, Form 7 (Firearms), in duplicate. The application, Form 7 (Firearms), shall include information as to the ownership of the business, the type of firearms or ammunition to be dealt in, the type of business premises, the business hours, the business history, and the identity of the responsible persons in the business. The application must be executed under the penalties of perjury

and the penalties imposed by 18 U.S.C. 924. The application shall be accompanied by the appropriate fee in the form of (1) cash, or (2) money order or check made payable to the Internal Revenue Service. Forms 7 (Firearms) may be obtained from any Assistant Regional Commissioner or from any District Director.

(b) Any person who desires to obtain the privileges granted to a licensed collector under the Act and this part on or after the effective date of this part, or who has not timely submitted application for renewal of his previous license issued under this part, shall file with the District Director for the internal revenue district in which the applicant is to maintain his collection premises an application, Form 7 (Firearms), in duplicate. The application, Form 7 (Firearms), shall include information as to the ownership of the activity, the type of premises to be maintained by the applicant for the activity, and the identity of the responsible persons in the activity. The application must be executed under the penalties of perjury and the penalties imposed by 18 U.S.C. 924. The application shall be accompanied by a \$10 fee in the form of (1) cash, or (2) money order or check made payable to the Internal Revenue Service. Forms 7 (Firearms) may be obtained from any Assistant Regional Commissioner or from any District Director.

(c) Any person holding a valid license issued pursuant to the provisions of the Federal Firearms Act to manufacture, import or deal in firearms or ammunition for pistols or revolvers may continue to conduct such business under such license until that license expires according to its terms, unless that license be sooner terminated pursuant to applicable provisions of law. If the holder of a license issued pursuant to the Federal Firearms Act intends to continue his firearms or ammunition business following the expiration of such license, he shall comply with the provisions contained in paragraph (a) of this section prior to the expiration of the period covered by the license, and upon compliance with those provisions such an applicant may continue such operations as were authorized by his expired license under this part until his application is finally acted upon.

**§ 178.45 Renewal of license.**

If a licensee intends to continue the business or activity described on a license issued under this part during any portion of the ensuing year, he shall, unless otherwise notified in writing by the Assistant Regional Commissioner, execute and file prior to the expiration of his license an application for license renewal, Form 8 (Firearms) (Part 3), accompanied by the required fee, with the District Director for the internal revenue district in which the business or activity is operated. The Assistant Regional Commissioner may, in writing, require an applicant for license renewal to also file completed Form 7 (Firearms) in the manner required by § 178.44. In the event the licensee does not timely file a



Form 8 (Firearms) (Part 3), he must file a Form 7 (Firearms) as required by § 178.44, and obtain the required license before continuing business or collecting activity. If a Form 8 (Firearms) (Part 3) is not timely received through the mails, the licensee should so notify his Assistant Regional Commissioner.

#### § 178.46 Procedure by District Director.

Upon receipt of an application for an original license on Form 7 (Firearms) or an application for renewal of a license on Form 8 (Firearms) (Part 3) or a required Form 7 (Firearms), the District Director shall deposit the fee accompanying the license application and forward the application to the Assistant Regional Commissioner. Where an application is filed with an insufficient fee, the application and any fee submitted shall be returned.

#### § 178.47 Issuance of license.

(a) Upon receipt of a properly executed application for a license on Form 7 (Firearms), or Form 8 (Firearms) (Part 3), the Assistant Regional Commissioner may, upon finding through further inquiry or investigation, or otherwise, that the applicant is entitled thereto, issue the appropriate license and a copy thereof. Each license shall bear a serial number and such number may be assigned to the licensee to whom issued for so long as he maintains continuity of annual renewal in the same internal revenue district.

(b) The Assistant Regional Commissioner shall approve a properly executed application for license on Form 7 (Firearms), or Form 8 (Firearms) (Part 3), if:

(1) The applicant is 21 years of age or over;

(2) The applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under the provisions of the Act;

(3) The applicant has not willfully violated any of the provisions of the Act or this part;

(4) The applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with his application;

(5) The applicant has in a State (i) premises from which he conducts business subject to license under the Act or from which he intends to conduct such business within a reasonable period of time, or (ii) in the case of a collector, premises from which he conducts his collecting subject to license under the Act or from which he intends to conduct such collecting within a reasonable period of time; and

(6) The applicant is not prohibited by the provisions of Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C. Appendix) from receiving, possessing or

transporting firearms in commerce or affecting commerce, if the application is for a license relating to firearms.

(c) The Assistant Regional Commissioner shall approve or deny an application for license within the 45-day period beginning on the date the application was received by the District Director: *Provided*, That when an applicant for license renewal is a person who is, pursuant to the provisions of § 178.82, § 178.143, or § 178.144, conducting business or collecting activity under a previously issued license, action regarding the application will be held in abeyance pending the completion of the proceedings against the applicant's existing license or license application, final determination of the applicant's criminal case, or final action by the Commissioner of an application for relief submitted pursuant to § 178.144, as the case may be.

(d) When the Assistant Regional Commissioner fails to act on an application for license within the 45-day period prescribed by paragraph (c) of this section, the applicant may file an action under section 1361 of title 28, United States Code, to compel the Assistant Regional Commissioner to act.

#### § 178.48 Correction of error on license.

(a) Upon receipt of a license issued under the provisions of this part, each licensee shall examine same to ensure that the information contained thereon is accurate. If the license is incorrect, the licensee shall return the license to the Assistant Regional Commissioner with a statement showing the nature of the error. The Assistant Regional Commissioner shall correct the error, if the error was made in his office, and return the license. However, if the error resulted from information contained in the licensee's application for the license, the Assistant Regional Commissioner shall require the licensee to file an amended application setting forth the correct information and a statement explaining the error contained in the application. Upon receipt of the amended application and a satisfactory explanation of the error, the Assistant Regional Commissioner shall make the correction on the license and return same to the licensee.

(b) When the Assistant Regional Commissioner finds through any means other than notice from the licensee that an incorrect license has been issued, the Assistant Regional Commissioner may require the holder of the incorrect license to (1) return the license for correction, and (2) if the error resulted from information contained in the licensee's application for the license, the Assistant Regional Commissioner shall require the licensee to file an amended application setting forth the correct information, and a statement explaining the error contained in the application. The Assistant Regional Commissioner then shall make the correction on the license and return same to the licensee.

#### § 178.49 Duration of license.

A license shall not be issued for a period of less than 1 year. The license

shall entitle the person to whom issued to engage in the business or activity specified on the license, within the limitations of the Act and the regulations contained in this part, for the period stated on the license, unless sooner terminated.

#### § 178.50 Locations covered by license.

The license covers the class of business or the activity specified in the license at the address described therein. Accordingly, a separate license must be obtained for each location at which a firearms or ammunition business or activity requiring a license under this part is conducted; however, no license is required to cover a separate warehouse used by the licensee solely for storage of firearms or ammunition if the records required by this part are maintained at the licensed premises served by such warehouse: *Provided*, That a licensed collector may acquire curios and relics at any location, and dispose of curios or relics to any licensee, or to other persons who are residents of the State where the collector's license is held and the disposition is made.

#### § 178.51 License not transferable.

Licenses issued under this part are not transferable. In the event of the lease, sale, or other transfer of the operations authorized by the license, the successor must obtain the license required by this part prior to commencing such operations. However, for rules on right of succession, see § 178.56.

#### § 178.52 Change of address.

A licensee may during the term of his current license remove his business or activity to a new location at which he intends regularly to carry on such business or activity, without procuring a new license. However, in every case, whether or not the removal is from one internal revenue region to another, notification of the new location of the business or activity must be given not less than 10 days prior to such removal to the Assistant Regional Commissioner for the internal revenue region from which or within which the removal is to be made, and the Assistant Regional Commissioner for the internal revenue region to which the removal is to be made. In each instance, the license and the copy thereof furnished with the license must be submitted for endorsement to the Assistant Regional Commissioner having jurisdiction over the internal revenue region to which or within which removal is to be made. After endorsement of the license and the copy thereof to show the new address, and the new license number, if any, the Assistant Regional Commissioner will return same to the licensee.

#### § 178.53 Change in trade name.

A licensee continuing to conduct business at the location shown on his license is not required to obtain a new license by reason of a mere change in trade name under which he conducts his business: *Provided*, That such licensee furnishes his license for endorsement of such



change to the Assistant Regional Commissioner for the internal revenue region in which the licensee conducts his business within 30 days from the date the licensee begins his business under the new trade name.

**§ 178.54 Change of control.**

In the case of a corporation or association holding a license under this part, if actual or legal control of the corporation or association changes, directly or indirectly, whether by reason of change in stock ownership or control (in the licensed corporation or in any other corporation), by operations of law, or in any other manner, the licensee shall, within 30 days of such change, give written notification thereof, executed under the penalties of perjury, to the Assistant Regional Commissioner. Upon expiration of the license, the corporation or association must file a Form 7 (Firearms) as required by § 178.44.

**§ 178.55 Continuing partnerships.**

Where, under the laws of the particular State, the partnership is not terminated on death or insolvency of a partner, but continues until the winding up of the partnership affairs is completed, and the surviving partner has the exclusive right to the control and possession of the partnership assets for the purpose of liquidation and settlement, such surviving partner may continue to operate the business under the license of the partnership. If such surviving partner acquires the business on completion of the settlement of the partnership, he shall obtain a license in his own name from the date of acquisition, as provided in § 178.44. The rule set forth in this section shall also apply where there is more than one surviving partner.

**§ 178.56 Right of succession by certain persons.**

(a) Certain persons other than the licensee may secure the right to carry on the same firearms or ammunition business at the same address shown on, and for the remainder of the term of, a current license. Such persons are:

(1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee; and

(2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors.

(b) In order to secure the right provided by this section, the person or persons continuing the business shall furnish the license for that business for endorsement of such succession to the Assistant Regional Commissioner for the internal revenue region in which the business is conducted within 30 days from the date on which the successor begins to carry on the business.

**§ 178.57 Discontinuance of business.**

Where a firearm or ammunition business is either discontinued or succeeded by a new owner, the owner of the business discontinued or succeeded shall within 30 days thereof furnish to the Assistant Regional Commissioner for the internal revenue region in which his

business was located notification of the discontinuance or succession. (See also § 178.127.)

**§ 178.58 State or other law.**

A license issued under this part confers no right or privilege to conduct business or activity contrary to State or other law. The holder of such a license is not by reason of the rights and privileges granted by that license immune from punishment for operating a firearm or ammunition business or activity in violation of the provisions of any State or other law. Similarly, compliance with the provisions of any State or other law affords no immunity under Federal law or regulations.

**§ 178.59 Abandoned application.**

Upon receipt of an incomplete or improperly executed application on Form 7 (Firearms), or Form 8 (Firearms) (Part 3), the applicant shall be notified of the deficiency in the application. If the application is not corrected and returned within 30 days following the date of notification, the application shall be considered as having been abandoned and the license fee returned.

**§ 178.60 Certain continuances of business.**

A licensee who furnishes his license to the Assistant Regional Commissioner for correction or endorsement in compliance with the provisions contained in this subpart may continue his operations while awaiting its return.

**Subpart E—License Proceedings**

**§ 178.71 Denial of an application for license.**

Whenever the Assistant Regional Commissioner has reason to believe that an applicant is not eligible to receive a license under the provisions of § 178.47, he may issue a notice of denial, on Form 4498, to the applicant. The notice shall set forth the matters of fact and law relied upon in determining that the application should be denied, and shall afford the applicant 15 days from the date of receipt of the notice in which to request a hearing to review the denial. If no request for a hearing is filed within such time, the application shall be disapproved and a copy, so marked, shall be returned to the applicant.

**§ 178.72 Hearing after application denial.**

If the applicant for an original or renewal license desires a hearing to review the denial of his application, he shall file a request therefor, in duplicate, with the Assistant Regional Commissioner within 15 days after receipt of the notice of denial. The request should include a statement of the reasons therefor. On receipt of the request, the Assistant Regional Commissioner shall, as expeditiously as possible, make the necessary arrangements for the hearing and advise the applicant of the date, time, location, and the name of the officer before whom the hearing will be held. Such notification shall be made not less than 10 days in advance of the date set for the hear-

ing. On conclusion of the hearing and consideration of all relevant facts and circumstances presented by the applicant or his representative, the Assistant Regional Commissioner shall render his decision confirming or reversing the denial of the application. If the decision is that the denial should stand, a certified copy of the Assistant Regional Commissioner's findings and conclusions shall be furnished to the applicant with a final notice of denial, Form 4501. A copy of the application, marked "Disapproved," will be returned to the applicant. If the decision is that the license applied for should be issued, the applicant shall be so notified, in writing, and the license shall be issued as provided by § 178.47.

**§ 178.73 Notice of contemplated revocation.**

Whenever the Assistant Regional Commissioner has reason to believe that a licensee has violated any provision of the Act or this part, he may issue a notice, on Form 4499, of contemplated revocation of the license. The notice shall set forth the matters of fact constituting the violations specified, dates, places, and the sections of law and regulations violated. The Assistant Regional Commissioner shall afford the licensee 15 days from the date of receipt of the notice, in which to request a hearing prior to revocation of the license. If the licensee does not file a timely request for a hearing, the Assistant Regional Commissioner shall issue a notice of revocation, Form 4500, as provided in § 178.74.

**§ 178.74 Request for hearing after notice of contemplated revocation.**

If a licensee desires a hearing pursuant to receipt of a notice of contemplated revocation of his license, he shall file a request therefor, in duplicate, with the Assistant Regional Commissioner within 15 days after receipt of the notice of contemplated revocation. On receipt thereof, the Assistant Regional Commissioner shall, as expeditiously as possible, make the necessary arrangements for the hearing and advise the licensee of the date, time, location and the name of the officer before whom the hearing will be held. Such notification shall be made not less than 10 days in advance of the date set for the hearing. On conclusion of the hearing and consideration of all relevant presentations made by the licensee or his representative, the Assistant Regional Commissioner shall render his decision and shall prepare a brief summary of the findings and conclusions on which the decision is based. If the decision is that the license should be revoked, a certified copy of the summary shall be furnished to the licensee with the notice of revocation on Form 4500. If the decision is that the license should not be revoked, the licensee shall be so notified in writing.

**§ 178.75 Hearing after notice of revocation.**

(a) *No hearing held prior to notice of revocation.* If the licensee did not request a hearing on receipt of the notice of contemplated revocation of his license,



Form 4499, but does file a timely request for a hearing after being served the notice of revocation, Form 4500, the Assistant Regional Commissioner shall arrange for, and conduct, a hearing in the manner prescribed in § 178.74, except that the place of hearing will be determined as provided by § 178.81. If, after hearing, the Assistant Regional Commissioner is still of the opinion that the license should be revoked, he will serve final notice of revocation, Form 4501, on the licensee, with a copy of his findings and conclusions. If he decides that the license should not be revoked, he will so notify the licensee, in writing.

(b) *Hearing held prior to notice of revocation.* If a hearing was held prior to notice of revocation, Form 4500, and the licensee files a timely request for a hearing after receipt of a notice of revocation, the Assistant Regional Commissioner shall refer the matter to the hearing examiner, appointed under 5 U.S.C. 3105, designated to preside over such hearing. The examiner shall set a time and place for the hearing and shall serve notice thereof on the licensee and the Assistant Regional Commissioner at least 10 days in advance of the hearing date. Such hearing shall be conducted under the applicable provisions of Part 200 of this chapter, including those with respect to stipulations at hearings, evidence, and closing of hearings.

#### § 178.76 Recommended decision of hearing examiner.

Within a reasonable time after the conclusion of a hearing held as provided in § 178.75, and as expeditiously as possible, the examiner shall render a recommended decision. Such decision shall become a part of the record and, if proposed findings and conclusions have been filed, shall show the examiner's ruling upon each of such proposed findings and conclusions. Decisions shall consist of (a) a brief statement of the issues of fact involved in the proceeding; (b) the examiner's findings and conclusions, as well as the reasons and basis therefor, upon all the material issues of fact, law or discretion presented on the record; and (c) the examiner's recommended determination on the record.

#### § 178.77 Certification and transmittal of record and recommended decision to Director.

After reaching his decision, the examiner shall certify to the complete record of the proceeding before him and shall immediately forward it, together with two copies of his recommended decision, to the Director, and will forward two copies of his recommended decision to the Assistant Regional Commissioner for his files.

#### § 178.78 Decision of Director.

After consideration of the record and the recommended decision of the examiner, the Director shall approve or disapprove the findings, conclusion, and recommended decision of the examiner, and he shall direct the Assistant Regional Commissioner to issue a final

notice of revocation on Form 4501; or to inform the licensee that the license shall remain in effect. Any decision of the Director for the revocation of a license shall include a statement of the findings and conclusions upon which it is based, including his ruling on each proposed finding, conclusion, and exception to the examiner's recommended decision, together with a statement of his findings and conclusions, and reasons or basis therefor, upon all material issues of fact, law, or discretion presented on the record. A signed duplicate original of the decision shall be served on the licensee and a copy containing certificate of service shall be retained by the Assistant Regional Commissioner for his files, and the original shall be placed in the official record of the proceeding.

#### § 178.79 Service on applicant or licensee.

All notices and other formal documents required to be served on an applicant or licensee under this subpart shall be served by certified mail or by personal delivery. Where service is by certified mail, a signed duplicate original copy of the formal document shall be mailed, with return receipt requested, to the applicant or licensee at the address stated in his application or license, or at his last known address. Where service is by personal delivery, a signed duplicate original copy of the formal document shall be delivered to the applicant or licensee, or, in the case of a corporation, partnership, or association, by delivering it to an officer, manager, or general agent thereof, or to its attorney of record.

#### § 178.80 Representation at a hearing.

An applicant or licensee may be represented by an attorney or other person recognized to practice before the Internal Revenue Service as provided in 31 CFR Part 10 (Treasury Department Circular No. 230), if he has otherwise complied with the applicable requirements of §§ 601.521-601.527 of this chapter. The Assistant Regional Commissioner may be represented in proceedings under § 178.75(b) by an attorney in the office of the regional counsel who is authorized to execute and file motions, briefs and other papers in the proceeding, on behalf of the Assistant Regional Commissioner, in his own name as "Attorney for the Government."

#### § 178.81 Designated place of hearing.

The designated place of hearing shall be at a location convenient to the aggrieved party: *Provided*, That any hearing held after notice of contemplated revocation but prior to the notice of revocation shall be at the office of the Assistant Regional Commissioner.

#### § 178.82 Operations by licensees after notice.

In any case where denial or revocation proceedings are pending before the Internal Revenue Service, or notice of denial or revocation has been served on the licensee and he has filed timely request for a hearing, the license in the possession of the licensee shall remain in effect even though (a) such license

has expired, or (b) the revocation date specified in the notice of revocation on Form 4500 served on the licensee has passed: *Provided*, That under the condition of paragraph (a) of this section, the licensee has timely filed an application for the renewal of his license. If a licensee is dissatisfied with a posthearing decision revoking the license or denying the application, as the case may be, he may, pursuant to 18 U.S.C. 923(f)(3), within 60 days after receipt of the final notice denying the application or revoking the license, file a petition for judicial review of such action. Such petition should be filed with the U.S. district court for the district in which the applicant or licensee resides or has his principal place of business. In such case, when the Assistant Regional Commissioner finds that justice so requires, he may (1) postpone the effective date of revocation of a license or (2) authorize continued operations under the expired license, as applicable, pending judicial review.

### Subpart F—Conduct of Business

#### § 178.91 Posting of license.

Any license issued under this part shall be kept posted and kept available for inspection on the premises covered by the license.

Each licensed manufacturer or licensed importer of any firearm manufactured or imported on or after the effective date of this part shall legibly identify each such firearm by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof in a manner not susceptible of being readily obliterated, altered, or removed, an individual serial number not duplicating any serial number placed by the manufacturer or importer on any other firearm, and by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame, receiver, or barrel thereof in a manner not susceptible of being readily obliterated, altered or removed, the model, if such designation has been made; the caliber or gauge; the name (or recognized abbreviation of same) of the manufacturer and also, when applicable, of the importer; in the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) wherein the licensed manufacturer maintains his place of business; and in the case of an imported firearm, the name of the country in which manufactured and the city and State (or recognized abbreviation thereof) of the importer: *Provided*, That the Director may authorize other means of identification of the licensed manufacturer or licensed importer upon receipt of letter application, in duplicate, from same showing that such other identification is reasonable and will not hinder the effective administration of this part: *Provided, further*, That in the case of a destructive device, the Director may authorize other means of identifying that weapon upon receipt of letter applica-



tion, in duplicate, from the licensed manufacturer or licensed importer showing that engraving, casting, or stamping (impressing) such a weapon would be dangerous or impracticable. A firearm frame or receiver which is not a component part of a complete weapon at the time it is sold, shipped, or otherwise disposed of by a licensed manufacturer or licensed importer, shall be identified as required by this section.

**§ 178.93 Authorized operations by a licensed collector.**

The license issued to a collector of curios or relics under the provisions of this part shall cover only transactions by the licensed collector in curios and relics. The collector's license is of no force or effect and a licensed collector is of the same status under the Act and this part as a nonlicensee with respect to (a) any acquisition or disposition of firearms or ammunition other than curios or relics, or any transportation, shipment, or receipt of firearms or ammunition other than curios or relics in interstate or foreign commerce, and (b) any transaction with a nonlicensee involving any firearm or ammunition other than a curio or relic. (See also § 178.50.)

**§ 178.94 Sales or deliveries between licensees.**

A licensed importer, licensed manufacturer, or licensed dealer selling or otherwise disposing of firearms or ammunition, and a licensed collector selling or otherwise disposing of curios or relics, to another licensee shall verify the identity and licensed status of the transferee prior to making the transaction. On and after February 14, 1969, such verification shall be established by the transferee furnishing to the transferor a certified copy of the transferee's license and by such other means as the transferor deems necessary: *Provided*, That it shall not be required (a) for a transferee who has furnished a certified copy of his license to a transferor to again furnish such certified copy to that transferor during the term of the transferee's current license, and (b) for licensees of multilicensed business organizations to furnish certified copies of their licenses to other licensed locations operated by such organization: *Provided further*, That a multilicensed business organization may furnish to a transferor, in lieu of a certified copy of each license, a list, certified to be true, correct and complete, containing the name, address, license number, and the date of license expiration of each licensed location operated by such organization, and the transferor may sell or otherwise dispose of firearms and ammunition as provided by this section to any licensee appearing on such list without requiring a certified copy of a license therefrom. A transferor licensee who has the certified information required by this section may sell or dispose of firearms or ammunition to a licensee for not more than 45 days following the expiration date of the transferee's license.

**§ 178.95 Certified copy of license.**

Each person licensed under the provisions of this part shall be furnished together with his license a copy thereof for his certification. If such a person desires an additional copy of his license for certification and for use pursuant to § 178.94, he shall:

(a) Make a reproduction of the copy of his license and execute same, or

(b) Make a reproduction of his license, enter upon such reproduction the statement: "I certify that this is a true copy of a license issued to me to engage in the business specified in Item 5" and sign his name adjacent thereto, or

(c) Submit a request, in writing, for certified copies of his license to the Assistant Regional Commissioner for the internal revenue region in which the license was issued. The request shall set forth the name, trade name (if any) and address of the licensee, and the number of copies of the license desired. There shall be imposed a fee of \$1 for each copy of a license issued by the Assistant Regional Commissioner under the provisions of this paragraph. Fee payment shall accompany each such request for additional copies of a license. Such fee shall be paid by (1) cash, or (2) money order or check made payable to the Internal Revenue Service.

**§ 178.96 Out-of-State and mail order sales.**

(a) The provisions of this section shall apply in any case where a firearm purchased by or delivered to the person so receiving the firearm is not otherwise prohibited by the Act or this part.

(b) A licensed importer, licensed manufacturer, or licensed dealer may sell a firearm to a nonlicensee who does not appear in person at the licensee's business premises if the nonlicensee is a resident of the same State in which the licensee's business premises are located, and the nonlicensee furnishes to the licensee the firearms transaction record, Form 4473, required by § 178.124. The nonlicensee shall attach to such record a true copy of any permit or other information required pursuant to any statute of the State and published ordinance applicable to the locality in which he resides. The licensee shall prior to shipment or delivery of the firearm, forward by registered or certified mail (return receipt requested) a copy of the record, Form 4473, to the chief law enforcement officer named on such record, and delay shipment or delivery of the firearm for a period of at least 7 days following receipt by the licensee of the return receipt evidencing delivery of the copy of the record to such chief law enforcement officer, or the return of the copy of the record to him due to the refusal of such chief law enforcement officer to accept same in accordance with U.S. Post Office Department regulations. The original Form 4473, and evidence of receipt or rejection of delivery of the copy of the Form 4473 sent to the chief law enforcement officer shall be retained by the licensee as a part of the records required

of him to be kept under the provisions of Subpart H of this part.

(c) A licensed importer, licensed manufacturer, or licensed dealer may sell or deliver a rifle or shotgun, and (a licensed collector may sell or deliver a rifle or shotgun which is a curio or relic), to a nonlicensed resident of a State contiguous to the State in which the licensee's place of business is located if the purchaser's State of residence has enacted legislation, currently in force, specifically authorizing a resident of that State to purchase a rifle or shotgun in a contiguous State, the sale fully complies with the legal conditions of sale in both such contiguous States, and the purchaser and the licensee have, prior to the sale, or delivery for sale, of the rifle or shotgun, complied with all the requirements of paragraph (b) of this section applicable to intrastate transactions occurring on other than the licensee's business premises.

(d) A licensed dealer may sell to any nonlicensee who is a resident of a State other than the State in which the licensed dealer's premises are located, and who is participating in any organized rifle or shotgun match or contest, or is engaged in hunting, in the State in which the licensed dealer's premises are located, and whose rifle or shotgun has been lost or stolen or has become inoperative in the State in which the licensed dealer's premises are located, if the nonlicensee presents to the licensed dealer a sworn statement, in duplicate, (1) that his rifle or shotgun was lost or stolen or became inoperative while participating in such a match or contest, or while engaged in hunting, in the State in which the licensed dealer's business premises are located, (2) setting forth the name and address of the organized rifle or shotgun match or contest, or the nature and location of the hunting, and the circumstances surrounding the firearm's loss or theft, or the reason why the firearm has become inoperative, and (3) identifying the chief law enforcement officer (sheriff, chief of police, or police precinct captain) of the locality in which the nonlicensee resides. Immediately upon delivery of the rifle or shotgun to the nonlicensee, the licensed dealer shall forward a copy of the sworn statement, by registered mail, to the chief law enforcement officer named by the nonlicensee. The licensee shall retain the original sworn statement, and evidence of delivery of the copy thereof to the chief law enforcement officer, as a part of the records required of him under Subpart H of this part.

**§ 178.97 Loan or rental of firearms.**

A licensee may loan or rent a firearm to any person for temporary use off the premises of the licensee for lawful sporting purposes: *Provided*, That the delivery of the firearm to such person is not prohibited by § 178.99(b) or § 178.99(c), and the licensee records such loan or rental in the records required to be kept by him under Subpart H of this part. A club, association, or similar organization temporarily furnishing firearms



(whether by loan, rental, or otherwise) to participants in a skeet, trap, target, or similar shooting activity for use at the time and place such activity is held does not, unattended by other circumstances, cause such club, association, or similar organization to be engaged in the business of a dealer in firearms or as engaging in firearms transactions. Therefore, the licensing and recordkeeping requirements contained in this part pertaining to firearms transactions would not apply to this temporary furnishing of firearms for use on premises on which such an activity is conducted.

**§ 178.98 Sales or deliveries of destructive devices and certain firearms.**

The sale or delivery by a licensee of any destructive device, machinegun, short-barreled shotgun, or short-barreled rifle, to any person other than another licensee who is licensed under this part to deal in such device or firearm, is prohibited unless the person to receive such device or firearm furnishes to the licensee a sworn statement, in triplicate, setting forth (a) the reasons why there is a reasonable necessity for such person to purchase or otherwise acquire the device or weapon, and (b) that such person's receipt or possession of the device or weapon would be consistent with public safety. Such sworn statement shall be attached to the application to transfer and register the firearm required by Part 179 of this chapter. The sale or delivery of the device or weapon shall not be made until the application for transfer is approved by the Director and returned to the licensee (transferor) as provided in Part 179 of this chapter.

**§ 178.99 Certain prohibited sales or deliveries.**

(a) A licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall not sell or deliver any firearm to any person not licensed under this part, or the Federal Firearms Act, and who the licensee knows or has reasonable cause to believe does not reside in (or if a corporation or other business entity, does not maintain a place of business in) the State in which the licensee's place of business or activity is located: *Provided*, That the foregoing provisions of this paragraph (1) shall not apply to the sale or delivery of a rifle or shotgun (curio or relic, in the case of a licensed collector) to a resident of a State contiguous to the State in which the licensee's place of business or collection premises is located if the requirements of § 178.96(c) are fully met, (2) shall not preclude any person who is participating in any organized rifle or shotgun match or contest, or is engaged in hunting, in a State other than his State of residence and whose rifle or shotgun has been lost or stolen or has become inoperative in such other State, from purchasing a rifle or shotgun in such other State from a licensed dealer if the requirements of § 178.96(d) are fully met, and (3) shall not apply to the loan or rental of a firearm to any person for temporary use for lawful sporting purposes (see § 178.97).

(b) A licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall not sell or deliver (1) any firearm or ammunition to any individual who the importer, manufacturer, dealer, or collector knows or has reasonable cause to believe is less than 18 years of age, and, if the firearm, or ammunition, is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the importer, manufacturer, dealer, or collector knows or has reasonable cause to believe is less than 21 years of age, or (2) any firearm or ammunition to any person in any State where the purchase or possession by such person of such firearm or ammunition would be in violation of any State law or any published ordinance applicable at the place of sale, delivery or other disposition, unless the importer, manufacturer, dealer or collector knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State law or such published ordinance.

(c) A licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall not sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person (1) is except as provided under § 178.143, under indictment for, or, except as provided under § 178.144, has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year, (2) is a fugitive from justice, (3) is an unlawful user of or addicted to marijuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. 321(v)), or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954), or (4) has been adjudicated as a mental defective or has been committed to any mental institution.

**§ 178.100 Record of transactions.**

Every licensee shall maintain firearms and ammunition records in such form and manner as is prescribed by Subpart H of this part.

**Subpart G—Importation**

**§ 178.111 General.**

(a) Section 922(a)(3) of the Act makes it unlawful, with certain exceptions not pertinent here, for any person other than a licensee, to transport into or receive in the State where he resides any firearm purchased or otherwise obtained by him outside of that State. However, section 925(a)(4) provides a limited exception for the transportation, shipment, receipt or importation of certain firearms and ammunition by certain members of the United States armed forces. Section 922(1) of the Act makes it unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition except as provided by section 925(d) of the Act, which section provides standards for importing or bringing firearms or ammunition into the United States. Accordingly, no firearm or am-

munition may be imported or brought into the United States except as provided by this part.

(b) Where a firearm or ammunition is imported and the authorization for importation required by this subpart has not been obtained by the person importing same, such person shall:

(1) Store, at his expense, such firearm or ammunition at a facility designated by U.S. Customs or the Assistant Regional Commissioner to await the issuance of the required authorization or other disposition; or

(2) Abandon such firearm or ammunition to the U.S. Government; or

(3) Export such firearm or ammunition.

(c) Any inquiry relative to the provisions or procedures under this subpart, other than that pertaining to the payment of customs duties or the release from Customs custody of firearms or ammunition authorized by the Director to be imported, shall be directed to the Assistant Regional Commissioner for reply.

**§ 178.112 Importation by a licensed importer.**

(a) No firearm or ammunition shall be imported or brought into the United States by a licensed importer (as defined in § 178.11) unless the Director has authorized the importation of the firearm or ammunition, or the firearm or ammunition is listed on the Importation List compiled by the Director as provided by paragraph (c) of this section.

(b) An application for a permit, Form 6 (Firearms), to import or bring a firearm or ammunition into the United States or a possession thereof under this section shall be filed, in triplicate, with the Director. The application shall contain (1) the name, address, and license number of the importer, (2) a description of the firearm or ammunition to be imported, including type (e.g.: rifle, shotgun, pistol, revolver), model, caliber, size or gauge, barrel length (if a firearm), country of manufacture, and name of the manufacturer, (3) the unit cost of the firearm to be imported, (4) the country from which to be imported, (5) the name and address of the foreign seller and the foreign shipper, (6) verification that if a firearm, it will be identified as required by this part, and (7) (i) if imported or brought in for scientific or research purposes, a statement describing such purposes, or (ii) if for use in connection with competition or training pursuant to chapter 401 of title 10, U.S.C., a statement describing such intended use, or (iii) if an unserviceable firearm (other than a machine gun) being imported as a curio or museum piece, a description of how it was rendered unserviceable and an explanation of why it is a curio or museum piece, or (iv) if a firearm, other than a surplus military firearm, of a type that does not fall within the definition of a firearm by section 5845(a) of the Internal Revenue Code of 1954, and is for sporting purposes, an explanation of why the applicant believes the firearm is generally recognized as particularly suitable



for or readily adaptable to sporting purposes, or (v) if ammunition being imported for sporting purposes, a statement why the applicant believes it is generally recognized as particularly suitable for or readily adaptable to sporting purposes. In determining whether a firearm or ammunition is particularly suitable for or readily adaptable to sporting purposes, the Director may seek the recommendation of the advisory board authorized by paragraph (c) of this section. If the Director approves the application, such approved application shall serve as the permit to import the firearms or ammunition described therein, and importation of such firearms or ammunition may continue to be made by the licensed importer under the approved application (permit) during the period specified thereon. The Director shall furnish the approved application (permit) to the applicant and retain two copies thereof for administrative use. If the Director disapproves the application, the licensed importer shall be notified of the basis for the disapproval.

(c) The Director may compile an Importation List of firearms and ammunition which he determines to be generally recognized as particularly suitable for or readily adaptable to sporting purposes. The determination of the Director that a firearm or ammunition is generally recognized to be particularly suitable for or readily adaptable to sporting purposes may be made with the assistance of an advisory board to be appointed by the Commissioner. Such board may be composed of persons from within and without governmental agencies who are recognized as being particularly knowledgeable in the use and classification of firearms and ammunition. No firearm shall be placed on the Importation List unless it is found that (1) the caliber or gauge of the firearm is suitable for use in a recognized shooting sport, (2) the type of firearm is generally recognized as particularly suitable for or readily adaptable to such use, and (3) the use of the firearm in a recognized shooting sport will not endanger the person using it due to deterioration through such use or because of inferior workmanship, materials or design. No ammunition shall be placed on the Importation List unless it is found that (i) the caliber, size or gauge of the ammunition is suitable for use in a recognized shooting sport, (ii) the type of ammunition is generally recognized as particularly suitable for or readily adaptable to such use, and (iii) the use of the ammunition in a recognized shooting sport will not endanger the person using it.

(d) A firearm or ammunition imported or brought into the United States by a licensed importer may be released from Customs custody to the licensed importer upon his showing that he has obtained a permit from the Director for the importation of the firearm or ammunition to be released, or that the firearm or ammunition appears on the Importation List. In obtaining the release from Customs custody of a firearm or ammunition authorized by this section to be imported through use of a permit or be-

cause the firearm or ammunition appears on the Importation List, the licensed importer shall prepare Form 6A (Firearms), in duplicate, and furnish the original Form 6A (Firearms) to the Customs officer releasing the firearm or ammunition. The Customs officer shall, after certification, forward the Form 6A (Firearms) to the Assistant Regional Commissioner for the region wherein the licensed importer maintains his place of business. The Form 6A (Firearms) shall show the name, address, and license number of the importer, the name of the manufacturer of the firearm or ammunition, the country of manufacture, the type, model, and caliber, size or gauge, and the number of firearms or rounds of ammunition released.

(e) Within 15 days of the date of release from Customs custody, the licensed importer shall (1) forward to the Assistant Regional Commissioner a copy of Form 6A (Firearms) on which shall be reported any error or discrepancy appearing on the Form 6A (Firearms) certified by Customs, (2) pursuant to § 178.92, place all required identification data on each imported firearm if same did not bear such identification data at the time of its release from Customs custody, and (3) post in the records required to be maintained by him under Subpart H of this part, all required information regarding the importation.

#### § 178.113 Importation by other licensees.

(a) No person other than a licensed importer (as defined in § 178.11) shall engage in the business of importing firearms or ammunition. Therefore, no firearm or ammunition shall be imported or brought into the United States or a possession thereof by any licensee other than a licensed importer unless the Director issues a permit authorizing the importation of the firearm or ammunition.

(b) An application for a permit, Form 6 (Firearms), to import or bring a firearm or ammunition into the United States or a possession thereof by a licensee, other than a licensed importer, shall be filed, in triplicate, with the Director. The application shall contain (1) the name, address, and the license number of the applicant, (2) a description of the firearm or ammunition to be imported, including type (e.g.: rifle, shotgun, pistol, revolver), model, caliber, size or gauge, barrel length (if a firearm), country of manufacture, and name of the manufacturer, (3) the unit cost of the firearm or ammunition to be imported, (4) the name and address of the foreign seller and the foreign shipper, (5) the country from which the firearm or ammunition is to be imported, and (6) (i) if the firearm or ammunition is being imported or brought in for scientific or research purposes, a statement describing such purposes, or (ii) if for use in connection with competition or training pursuant to chapter 401 of title 10, U.S.C., a statement describing such intended use, or (iii) if an unserviceable firearm (other than a machine gun) being imported as a curio or museum piece,

a description of how it was rendered unserviceable and an explanation of why it is a curio or museum piece, or (iv) if a firearm, other than a surplus military firearm, of a type that does not fall within the definition of a firearm under 5845(a) of the Internal Revenue Code of 1954, and is for sporting purposes, an explanation of why the applicant believes the firearm is generally recognized as particularly suitable for or readily adaptable to sporting purposes, or (v) if ammunition being imported for sporting purposes, a statement why the applicant believes it is generally recognized as particularly suitable for or readily adaptable to sporting purposes. If the Director approves the application, such approved application shall serve as the permit to import the firearm or ammunition described therein. The Director shall furnish the approved application (permit) to the applicant and retain two copies thereof for administrative use. If the Director disapproves the application, the applicant shall be notified of the basis for the disapproval.

(c) A firearm or ammunition imported or brought into the United States or a possession thereof under the provisions of this section may be released from Customs custody to the licensee importing the firearm or ammunition upon his showing that he has obtained a permit from the Director for the importation. In obtaining the release of the firearm or ammunition from Customs custody, the licensee importing same shall furnish a Form 6A (Firearms) to the Customs officer releasing the firearm or ammunition. The Customs officer shall, after certification, forward the Form 6A (Firearms) to the Assistant Regional Commissioner for the region wherein the licensee importing the firearm or ammunition maintains his licensed premises. The Form 6A (Firearms) shall show the name, address, and the license number of the licensee, the name of the manufacturer, the country of manufacture, and the type, model, and caliber, size (if ammunition) or gauge of the firearm or ammunition so released, and, if applicable, the number of firearms or rounds of ammunition released.

#### § 178.114 Importation by members of the U.S. Armed Forces.

(a) The Director may issue a permit authorizing the importation of a firearm or ammunition into the United States to the place of residence of any military member of the U.S. Armed Forces who is on active duty outside the United States, or who has been on active duty outside the United States within the 60-day period immediately preceding the intended importation: *Provided*, That such firearm or ammunition is generally recognized as particularly suitable for or readily adaptable to sporting purposes and is intended for the personal use of such member. An application for such a permit, Form 6 (Firearms), shall be filed, in triplicate, with the Director. The application shall contain (1) the name and current address of the applicant, (2) certification that the transportation, receipt, or possession of the firearm or



ammunition to be imported would not constitute a violation of any provision of the Act, Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C.

Appendix), or of any State law or local ordinance at the place of the applicant's residence, (3) a description of the firearm or ammunition to be imported, including type (e.g.: rifle, shotgun, pistol, revolver), model, caliber, size or gauge, barrel length (if a firearm), country of manufacture, and the name of the manufacturer, (4) the unit cost of the firearm or ammunition to be imported, (5) the name and address of the foreign seller (if applicable) and the foreign shipper, (6) the country from which the firearm or ammunition is to be imported, (7) (i) that the firearm or ammunition being imported is for the personal use of the applicant, and (ii) if a firearm, a statement that it is not a surplus military firearm, that it does not fall within the definition of a firearm under section 5845(a) of the Internal Revenue Code of 1954, and an explanation of why the applicant believes the firearm is generally recognized as particularly suitable for or readily adaptable to sporting purposes, or (iii) if ammunition, a statement why the applicant believes it is generally recognized as particularly suitable for or readily adaptable to sporting purposes, and (8) the applicant's date of birth, his rank or grade, his place of residence, his present foreign duty station or his last foreign duty station, as the case may be, the date of his reassignment to a duty station within the United States, if applicable, and the military branch of which he is a member. If the Director approves the application, such approved application shall serve as the permit to import the firearm or ammunition described therein. The Director shall furnish the approved application (permit) to the applicant and shall retain the two copies thereof for administrative purposes. If the Director disapproves the application, the applicant shall be notified of the basis for the disapproval.

(b) Upon receipt of an approved application (permit) to import the firearm or ammunition, the applicant may obtain the release of same from Customs custody upon his showing that he has obtained a permit from the Director for the importation. In obtaining the release of the firearm or ammunition from Customs custody, the military member of the U.S. Armed Forces importing same shall furnish a Form 6A (Firearms) to the Customs officer releasing the firearm or ammunition. The Customs officer shall, after certification, forward the Form 6A (Firearms) to the Assistant Regional Commissioner for the region wherein the State of residence of the military member of the U.S. Armed Forces is located. The Form 6A (Firearms) shall show the name and address of such military member, the name of the manufacturer, the country of manufacture, and the type, model, and caliber, size or gauge of the firearm or ammunition

so released, and, if applicable, the number of firearms or rounds of ammunition released. However, when such military member is on active duty outside the United States, he may appoint, in writing, an agent to obtain the release of the firearm or ammunition from Customs custody for him. Such agent shall present sufficient identification of himself and the written authorization to act on behalf of such military member to the Customs officer who is to release the firearm or ammunition.

(c) Firearms determined by the Department of Defense to be war souvenirs may be imported into the United States by the military members of the U.S. Armed Forces under such provisions and procedures as the Department of Defense may issue.

#### § 178.115 Exempt importation.

(a) Firearms and ammunition may be brought into the United States or any possession thereof by any person who can establish to the satisfaction of Customs that such firearm or ammunition was previously taken out of the United States or any possession thereof by such person. Registration on Customs Form 4457 or on any other registration document available for this purpose may be completed before departure from the United States at any U.S. customhouse or any office of an Assistant Regional Commissioner. A bill of sale or other commercial document showing transfer of the firearm or ammunition in the United States to such person also may be used to establish proof that the firearm or ammunition was taken out of the United States by such person. Firearms and ammunition furnished under the provisions of section 925(a)(3) of the Act to military members of the U.S. Armed Forces on active duty outside of the United States also may be imported into the United States or any possession thereof by such military members upon establishing to the satisfaction of Customs that such firearms and ammunition were so obtained.

(b) Firearms and ammunition may be imported or brought into the United States by or for the United States or any department or agency thereof, or any State or any department, agency, or political subdivision thereof. A firearm or ammunition imported or brought into the United States under this paragraph may be released from Customs custody upon a showing that the firearm or ammunition is being imported or brought into the United States by or for such a governmental entity.

(c) The provisions of this subpart shall not apply with respect to the importation into the United States of any antique firearm.

(d) Firearms and ammunition are not imported into the United States, and the provisions of this subpart shall not apply, when such firearms and ammunition are brought into the United States by:

(1) A nonresident of the United States

for legitimate hunting or lawful sporting purposes, and such firearms and such ammunition as remains following such shooting activity are to be taken back out of the territorial limits of the United States by such person upon conclusion of the shooting activity;

(2) Foreign military personnel on official assignment to the United States who bring such firearms or ammunition into the United States for their exclusive use while on official duty in the United States;

(3) Official representatives of foreign governments who are accredited to the U.S. Government or are en route to or from other countries to which accredited;

(4) Officials of foreign governments and distinguished foreign visitors who have been so designated by the Department of State; and

(5) Foreign law enforcement officers of friendly foreign governments entering the United States on official law enforcement business.

#### § 178.116 Conditional importation.

The Director may permit the conditional importation or bringing into the United States or any possession thereof of any firearm or ammunition for the purpose of examining and testing the firearm or ammunition in connection with making a determination as to whether the importation or bringing in of such firearm or ammunition will be authorized under this part. An application for such conditional importation shall be filed, in duplicate, with the Director. The Director may impose conditions upon any importation under this section including a requirement that the firearm or ammunition be shipped directly from Customs custody to the Director and that the person importing or bringing in the firearm or ammunition must agree to either export the firearm or ammunition or destroy same if a determination is made that the firearm or ammunition may not be imported or brought in under this part. A firearm or ammunition imported or brought into the United States or any possession thereof under the provisions of this section shall be released from Customs custody upon the payment of customs duties, if applicable, and in the manner prescribed in the conditional authorization issued by the Director.

#### § 178.117 Function outside a customs territory.

In the insular possessions of the United States outside customs territory, the functions performed by U.S. Customs officers under this subpart within a customs territory may be performed by the appropriate authorities of a territorial government or other officers of the United States who have been designated to perform such functions. For the purpose of this subpart, the term customs territory means the United States, the District of Columbia, and the Commonwealth of Puerto Rico.



Subpart H—Records

§ 178.121 General.

(a) The records pertaining to firearms transactions prescribed by this part shall be in permanent form, and shall be retained on the licensed premises in the manner prescribed by this subpart. The records pertaining to ammunition prescribed by this part shall be retained on the licensed premises in the manner prescribed by § 178.125.

(b) Internal revenue officers may enter the premises of any licensed importer, licensed manufacturer, licensed dealer, or licensed collector for the purpose of examining or inspecting any record or document required by or obtained under this part (see § 178.23). Section 923(g) of the Act requires licensed importers, licensed manufacturers, licensed dealers, and licensed collectors to make such records available for such examination or inspection at all reasonable times.

(c) Each licensed importer, licensed manufacturer, licensed dealer, and licensed collector shall maintain such records of importation, production, shipment, receipt, sale, or other disposition, whether temporary or permanent, of firearms and ammunition as the regulations contained in this part prescribe. Section 922(m) of the Act makes it unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector knowingly to make any false entry in, or to fail to make appropriate entry in, or to fail to properly maintain any such record.

Quantity	Type	Manufacturer	Country of manufacture	Caliber, size or gauge	Model	Serial No.	Name, address, and license No. of licensee to whom transferred	Date of the transaction

(c) Notwithstanding the provisions of paragraph (b) of this section, the Assistant Regional Commissioner may authorize alternate records to be maintained by a licensed importer to record his disposal of firearms and ammunition when it is shown by the licensed importer that such alternate records will accurately and readily disclose the information required by paragraph (b) of this section. A licensed importer who proposes to use alternate records shall submit a letter application, in duplicate, to the Assistant Regional Commissioner and shall describe the proposed alternate records and the need therefor. Such alternate records shall not be employed by the licensed importer until approval in such regard is received from the Assistant Regional Commissioner.

(d) Each licensed importer shall maintain separate records of the sales and other dispositions made of firearms and ammunition to nonlicensees. Such records shall be maintained in the form and manner as prescribed by § 178.125 in regard to ammunition transactions, and by §§ 178.124 and 178.125 in regard to firearms transaction records and records of acquisition and disposition of firearms.

§ 178.122 Records maintained by importers.

(a) Each licensed importer shall, within 15 days of the date of importation or other acquisition, record the type, model, caliber or gauge, manufacturer, country of manufacture, and the serial number of each firearm he imports or otherwise acquires, and the date such importation or other acquisition was made. Each licensed importer shall, within 15 days of the date of release from Customs custody or other acquisition, record the type, caliber, size or gauge, manufacturer, and country of manufacture of the ammunition he imports or otherwise acquires, and the date such importation or other acquisition was made.

(b) A record of firearms and a separate record of ammunition disposed of by a licensed importer to another licensee shall be maintained by the licensed importer on his licensed premises and shall show the quantity, type, manufacturer, country of manufacture, caliber, size or gauge, serial number (in the case of firearms only), of the firearms or ammunition so transferred, the name, address, and license number of the licensee to whom the firearms or ammunition were transferred, and the date of the transaction. The information required by this paragraph shall be entered in the proper record book not later than the seventh day following the date of the transaction, and such information shall be recorded under the following format:

§ 178.123 Records maintained by manufacturers.

(a) Each licensed manufacturer shall record the type, model, caliber or gauge, and serial number of each complete firearm he manufactures or otherwise acquires, and the date such manufacture or other acquisition was made. Each licensed manufacturer shall record the type, caliber, size or gauge of the ammunition he manufactures or otherwise acquires. The information required by this paragraph shall be recorded not later than the seventh day following the date such manufacture or other acquisition was made.

(b) A record of firearms and a separate record of ammunition disposed of by a licensed manufacturer to another licensee shall be maintained by the licensed manufacturer on his licensed premises and shall show the quantity, type, caliber, size or gauge, serial number (in the case of firearms only), of the firearms or ammunition so transferred, the name, address, and license number of the licensee to whom the firearms or ammunition were transferred, and the date of the transaction. The information required by this paragraph shall be entered in the proper record book not later than

the seventh day following the date of the transaction, and such information shall be recorded under the format prescribed by § 178.122 except that the name of the manufacturer and the country of manufacture need not be recorded if the firearm or ammunition is of the manufacturer's own manufacture.

(c) Notwithstanding the provisions of paragraph (b) of this section, the Assistant Regional Commissioner may authorize alternate records to be maintained by a licensed manufacturer to record his disposal of firearms and ammunition when it is shown by the licensed manufacturer that such alternate records will accurately and readily disclose the information required by paragraph (b) of this section. A licensed manufacturer who proposes to use alternate records shall submit a letter application, in duplicate, to the Assistant Regional Commissioner and shall describe the proposed alternate records and the need therefor. Such alternate records shall not be employed by the licensed manufacturer until approval in such regard is received from the Assistant Regional Commissioner.

(d) Each licensed manufacturer shall maintain separate records of the sales or other dispositions made of firearms and ammunition to nonlicensees. Such records shall be maintained in the form and manner as prescribed by § 178.125 in regard to ammunition transactions, and by §§ 178.124 and 178.125 in regard to firearms transaction records and records of acquisition and disposition of firearms.

§ 178.124 Firearms transaction record.

(a) A licensed importer, licensed manufacturer, or licensed dealer shall not sell or otherwise dispose, temporarily or permanently, of any firearm to any person, other than another licensee, and a licensed collector shall not sell or otherwise dispose of any curio or relic to any person, other than another licensee, unless he records the transaction on a firearms transaction record, Form 4473: *Provided*, That a firearms transaction record, Form 4473, shall not be required to record the disposition made of a firearm delivered to a licensee for the sole purpose of repair or customizing when such firearm is returned to the person from whom received.

(b) A licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall retain in alphabetical (by name of purchaser), chronological (by date of disposition), or numerical (by transaction serial number) order, and as a part of his permanent records, each Form 4473 he obtains in the course of transferring custody of his firearms.

(c) Prior to making an over-the-counter transfer of a firearm to a non-licensee who is a resident of the State in which the licensee maintains his business or collection premises, the licensed importer, licensed manufacturer, licensed dealer, or licensed collector so transferring the firearm shall obtain a Form 4473 from the transferee showing the name, address, date and place of



birth, height, weight, and race of the transferee, and certification by the transferee that he is not prohibited by the Act or Title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C. Appendix) from receiving a firearm in interstate or foreign commerce. The licensee shall identify the firearm to be transferred by listing in the Form 4473 the name of the manufacturer, the name of the importer (if any), the type, model, caliber or gauge, and the serial number of the firearm. Before transferring the firearm described in the Form 4473, the licensee (1) shall cause the transferee to identify himself in any manner customarily used in commercial transactions (e.g., a driver's license), and shall note on the form the method used, and (2) if satisfied that the transferee is lawfully entitled to receive the firearm, shall sign and date the form.

(d) Prior to making an over-the-counter transfer of a shotgun or rifle to a nonlicensee who is not a resident of the State in which the licensee maintains his business or collection premises, and such nonlicensee is acquiring the shotgun or rifle under the provisions contained in § 178.96(d), the licensee dealer so transferring the shotgun or rifle, and such transferee, shall comply with the requirements of paragraph (c) of this section. In addition, the sworn statement requirements imposed upon the transferee and the licensee by § 178.96(d) also shall be fully met.

(e) Prior to making a transfer of a firearm to any nonlicensee who is not a resident of the State in which the licensee maintains his business or collection premises, and such nonlicensee is acquiring the firearm by loan or rental from the licensee for temporary use for lawful sporting purposes, the licensed importer, licensed manufacturer, licensed dealer, or licensed collector so furnishing the firearm, and such transferee, shall comply with the requirements of paragraph (c) of this section.

(f) Form 4473 shall be submitted, in duplicate, to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, by a transferee who; (1) is purchasing or otherwise acquiring a firearm by other than an over-the-counter transaction, and who is a resident of the State in which the licensee maintains his business or collection premises, or (2) is purchasing or otherwise acquiring a shotgun or rifle, and who is a resident of a State contiguous to the State in which the licensee maintains his business or collection premises. The Form 4473 shall show the name, address, date and place of birth, height, weight, and race of the transferee; and the title, name, and address of the principal law enforcement officer of the locality to which the firearm will be delivered. The transferee also must date and execute the sworn statement contained on the form showing that, in case the firearm to be transferred is a firearm other than a shotgun or rifle, he is 21

years or more of age; that, in case the firearm to be transferred is a shotgun or rifle, he is 18 years or more of age; that he is not prohibited by the provisions of the Act from receiving a firearm in interstate or foreign commerce; and that his receipt of the firearm would not be in violation of any statute of the State and published ordinance applicable to the locality in which he resides. Upon receipt of such Forms 4473, the licensee shall identify the firearm to be transferred by listing in the Forms 4473 the name of the manufacturer, the name of the importer (if any), the type, model, caliber or gauge, and the serial number of the firearm to be transferred. The licensee shall prior to shipment or delivery of the firearm to such transferee, forward by registered or certified mail (return receipt requested) a copy of the Form 4473 to the chief law enforcement officer named in the Form 4473 by the transferee, and shall delay shipment or delivery of the firearm to the transferee for a period of at least 7 days following receipt by the licensee of the return receipt evidencing delivery of the copy of the Form 4473 to such chief law enforcement officer, or the return of the copy of the Form 4473 to the licensee due to the refusal of such chief law enforcement officer to accept same in accordance with U.S. Post Office Department regulations. The original Form 4473, and evidence of receipt or rejection of delivery of the copy of the Form 4473 sent to the chief law enforcement officer, shall be retained by the licensee as a part of the records required of him to be kept under this subpart.

(g) A licensee who sells or otherwise disposes of a firearm to a nonlicensee, who is other than an individual, shall obtain from the transferee the information required by this section from an individual authorized to act on behalf of the transferee. In addition, the licensee shall obtain from the individual acting on behalf of the transferee a written statement, executed under the penalties of perjury, that the firearm is being acquired for the use of and will be the property of the transferee, and showing the name and address of that transferee.

(h) The requirements of this section shall be in addition to any other record-keeping requirement contained in this part.

(i) A licensee may obtain, upon request, a supply of Form 4473 from any Assistant Regional Commissioner or any District Director.

#### § 178.125 Record of receipt and disposition.

(a) Each licensed dealer shall maintain records of all ammunition he receives for the purposes of sale or distribution. Such record may consist of invoices or other commercial records which shall be filed in an orderly manner separate from other commercial records he maintains, and be readily available for inspection. Such record shall: (1) show the name of the manufacturer and the transferor, and the type, caliber or gauge, and quantity of the ammunition acquired in the transaction, and the date of such acquisition, and (2) be retained on the licensed premises of the dealer for a period of not less than two years following the date of the acquisition.

(b) Each licensed collector shall maintain records of all ammunition he acquires as curios or relics for his collection. Such record may consist of invoices or other commercial records which shall be filed in an orderly manner separate from other commercial records he maintains, and be readily available for inspection. Such records shall show the information required by paragraph (a) of this section and be retained in the same manner.

(c) The sale or other disposition of ammunition, or of an ammunition curio or other commercial records which shall graph (d) of this section, be recorded in a bound record at the time such transaction is made. The bound record entry shall show: (1) the date of the transaction, (2) the name of the manufacturer, the caliber, gauge or type of component, and the quantity of the ammunition transferred, (3) the name, address, and date of birth of the purchaser (transferee), and (4) the method used by the licensee to establish the identity of the purchaser (transferee). The bound record shall be maintained in chronological order by date of sale or disposition of the ammunition, and shall be retained on the licensed premises of the licensee for a period of not less than two years following the date of the sale or disposition of the ammunition recorded therein. The format required for the bound record is as follows:

Date	Manufacturer	Caliber, gauge, or type of component	Quantity	Name	Address	Date of birth	Mode of identification	
							Driver's license (✓)	Other (specify)

(d) When a commercial record is made at the time of sale or other disposition of ammunition, or of an ammunition curio or relic, and such record contains all information required by the bound record prescribed by paragraph (c) of this section, the licensed dealer or licensed collector transferring the ammunition, or ammunition curio or relic, may, for a

period not exceeding 7 days following the date of such transfer, delay making the required entry into such bound record: *Provided*, That the commercial record pertaining to the transfer is: (1) maintained by the licensed dealer or licensed collector separate from other commercial documents maintained by such licensee, and (2) is readily available for inspection



FIREARMS ACQUISITION AND DISPOSITION RECORD

Description of firearm					Receipt		Disposition		
Manufacturer and/or Importer	Model	Serial No.	Type of action	Caliber and gauge	Date	From whom (name and address or name and license number)	Date	Name	Address or license No. if licensee, or Form 4473 Serial No. if Forms 4473 filed numerically

on the licensed premises until such time as the required entry into the bound record is made.

(e) Each licensed dealer and each licensed collector shall on and after the effective date of this part enter into a permanent record each receipt and disposition of firearms or firearms curios or relics. In addition, before commencing or continuing firearms business or firearms curio and relic collection, each licensed dealer and licensed collector shall inventory the firearms or firearms curios and relics possessed for such business or in such collection and shall record same in the record required by this paragraph: *Provided*, That when a licensed dealer or licensed collector has records maintained under the Federal Firearms Act which readily disclose his inventory of firearms or firearms curios and relics, such inventory need not be recorded in the record required by this paragraph. The record required by this paragraph shall be maintained in bound form under the format prescribed below. The purchase or other acquisition of a firearm by a licensed dealer, or of a firearm curio or relic by a licensed collector, shall, except as provided in paragraph (f) of this section, be recorded not later than the close of the next business day following the date of such purchase or acquisition. The record shall show the date of receipt, the name and address or the name and license number of the person from whom received, the name of the manufacturer and importer (if any), the model, serial number, type of action, and the caliber or gauge of the firearm or firearm curio or relic. The sale or other disposition of a firearm or of a firearm curio or relic shall be recorded by the licensed dealer or the licensed collector not later than seven days following the date of such transaction. When such disposition is made to a nonlicensee, the firearms transaction record, Form 4473, obtained by the licensed dealer or the licensed collector shall be retained, until the transaction is recorded, separate from his Form 4473 file and be readily available for inspection. When such disposition is made to a licensee, the commercial record of the transaction shall be retained, until the transaction is recorded, separate from other commercial documents maintained by the licensed dealer or licensed collector, and be readily available for inspection. The record shall show the date of the sale or other disposition of each firearm or firearm curio or relic, the name of the person to whom the firearm curio or relic is transferred, and the address or license number of the person to whom transferred if such person is a licensee, or the firearms transaction record, Form 4473, serial number if the licensed dealer or the licensed collector transferring the firearm or curio or relic serially numbers his Forms 4473 and files them numerically. The format required for the record of receipt and disposition of firearms or firearms curios and relics is as follows:

(f) When a commercial record is held by a licensed dealer or licensed collector showing his acquisition of a firearm or firearm curio or relic, and such record contains all acquisition information required by the bound record prescribed by paragraph (e) of this section, the licensed dealer or licensed collector acquiring such firearm or curio or relic, may, for a period not exceeding seven days following the date of such acquisition, delay making the required entry into such bound record: *Provided*, That the commercial record is, until such time as the required entry into the bound record is made, (1) maintained by the licensed dealer or licensed collector separate from other commercial documents maintained by such licensee, and (2) is readily available for inspection on the licensed premises: *Provided, further*, That when disposition is made of a firearm or firearm curio or relic not entered in the bound record under the provisions of this paragraph, the licensed dealer or licensed collector making such disposition shall enter all required acquisition information regarding the firearm or firearm curio or relic in the bound record at the time such transfer or disposition is made.

(g) Notwithstanding the provisions of paragraphs (c) and (e) of this section, the Assistant Regional Commissioner may authorize alternate records to be maintained by a licensed dealer or a licensed collector to record his acquisition and disposal of firearms and ammunition, or curios and relics, when it is shown by the licensed dealer or the licensed collector that such alternate records will accurately and readily disclose the required information. A licensed dealer or licensed collector who proposes to use alternate records shall submit a letter application, in duplicate, to the Assistant Regional Commissioner and shall describe the proposed alternate records and the need therefor. Such alternate records shall not be employed by the licensed dealer or the licensed collector until approval in such regard is received from the Assistant Regional Commissioner.

(h) Each licensed importer and licensed manufacturer selling or otherwise disposing of firearms or ammunition to nonlicensees shall maintain such records of such transactions as are required of licensed dealers and licensed collectors by this section.

§ 178.126 Furnishing transaction information.

(a) Each licensee shall, when required by letter issued by the Assistant Regional Commissioner, and until notified to the contrary in writing by such officer, submit on Form 4483, Report of Firearms Transactions, for the periods and at the times specified in the letter issued by the Assistant Regional Commissioner, all record information required by this subpart, or such lesser record information as the Assistant Regional Commissioner in his letter may specify.

(b) The Assistant Regional Commissioner may authorize the information to be submitted in a manner other than that prescribed in paragraph (a) of this section when it is shown by a licensee that an alternate method of reporting is reasonably necessary and will not unduly hinder the effective administration of this part. A licensee who proposes to use an alternate method of reporting shall submit a letter application, in duplicate, to the Assistant Regional Commissioner and shall describe the proposed alternate method of reporting and the need therefor. An alternate method of reporting shall not be employed by the licensee until approval in such regard is received from the Assistant Regional Commissioner.

§ 178.127 Discontinuance of business.

Where a firearms or ammunition business is discontinued and succeeded by a new licensee, the records prescribed by this subpart shall appropriately reflect such facts and shall be delivered to the successor. Where discontinuance of the business is absolute, the records prescribed by this subpart shall be delivered within 30 days following the business discontinuance to the Assistant Regional Commissioner for the internal revenue region in which the business was operated: *Provided, however*, Where State law or local ordinance requires the delivery of records to other responsible authority, the Assistant Regional Commissioner may arrange for the delivery of the records required by this subpart to such authority.

Subpart I—Exemptions

§ 178.141 General.

The provisions of this part shall not apply with respect to:

(a) The transportation, shipment, receipt, or importation of any firearm or



ammunition imported for, sold or shipped to, or issued for the use of, the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof.

(b) The shipment or receipt of firearms or ammunition when sold or issued by the Secretary of the Army pursuant to section 4308 of title 10, U.S.C., and the transportation of any such firearm or ammunition carried out to enable a person, who lawfully received such firearm or ammunition from the Secretary of the Army, to engage in military training or in competitions.

(c) The shipment, unless otherwise prohibited by the Act or any other Federal law, by a licensed importer, licensed manufacturer, or licensed dealer to a member of the U.S. Armed Forces on active duty outside the United States or to clubs, recognized by the Department of Defense, whose entire membership is composed of such members of the U.S. Armed Forces, and such members or clubs may receive a firearm or ammunition determined by the Director to be generally recognized as particularly suitable for sporting purposes and intended for the personal use of such member or club. Before making a shipment of firearms or ammunition under the provisions of this paragraph, a licensed importer, licensed manufacturer, or licensed dealer may submit a written request, in duplicate, to the Director for a determination by the Director whether such shipment would constitute a violation of the Act or any other Federal law, or whether the firearm or ammunition is considered by the Director to be generally recognized as particularly suitable for sporting purposes.

(d) The transportation, shipment, receipt, or importation of any antique firearm.

#### § 178.142 Effect of Presidential pardon.

A pardon granted by the President of the United States regarding a conviction for a crime punishable by imprisonment for a term exceeding 1 year shall remove any disability which otherwise would be imposed by the provisions of this part in respect to that conviction.

#### § 178.143 Relief from disabilities incurred by indictment.

A licensed importer, licensed manufacturer, licensed dealer, or licensed collector who is indicted for a crime punishable by imprisonment for a term exceeding 1 year may, notwithstanding any other provision of the Act, continue operations pursuant to his existing license during the term of such indictment and until any conviction pursuant to the indictment becomes final: *Provided*, That if the term of the license expires during the period between the date of the indictment and the date the conviction thereunder becomes final, such importer, manufacturer, dealer, or collector must file a timely application for the renewal of his license in order to continue operations. Such application shall show that the applicant is under indictment for a crime punishable by imprisonment for a term exceeding 1 year.

#### § 178.144 Relief from disabilities incurred by conviction.

(a) Any person may make application for relief from the disabilities under Federal law incurred by reason of a conviction of a crime punishable by imprisonment for a term exceeding 1 year if such conviction was not of a crime involving the use of a firearm or other weapon or a violation of the Act or the National Firearms Act.

(b) An application for such relief shall be addressed to the Commissioner and shall include such supporting data as the applicant deems appropriate. In the case of a corporation, the supporting data should include information as to the absence of culpability in the offense of which the corporation was convicted, or of any person having the power to direct or control the management of the corporation, if such be the fact. The application shall be filed, in triplicate, with the Assistant Regional Commissioner for the internal revenue region wherein the applicant resides.

(c) The Commissioner may grant relief to an applicant if it is established to the satisfaction of the Commissioner that the circumstances regarding the conviction, and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

(d) Whenever the Commissioner grants relief to any person pursuant to this section, he shall promptly publish in the FEDERAL REGISTER notice of such action, together with the reasons therefor.

(e) A person who has been granted relief under this section shall be relieved of any disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of such conviction.

(f) (1) A licensee who is convicted of a crime punishable by imprisonment for a term exceeding 1 year during the term of a current license or while he has pending a license renewal application, and who qualifies under this section to file an application for removal of disabilities resulting from such conviction, shall not be barred from licensed operations for 30 days after the date upon which his conviction becomes final, and if he files his application for relief as provided by this section within such 30-day period, he may further continue licensed operations during the pendency of his application. A licensee who is not qualified under this section to file an application for relief or, if so qualified, does not file such application within 30 days from the date his conviction becomes final shall not continue licensed operations beyond 30 days from the date his conviction becomes final.

(2) In the event the term of a license of a person qualified to seek relief under this section expires during the 30-day period following the date upon which his conviction becomes final or during the pendency of his application for relief, he must file a timely application for renewal

of his license in order to continue licensed operations. Such license application shall show that the applicant has been convicted of a crime punishable by imprisonment for a term exceeding 1 year.

(3) A licensee shall not continue licensed operations beyond 30 days following the date the Commissioner issues notification that the licensee's application for removal of disabilities resulting from a conviction has been denied.

(4) When as provided in this section a licensee may no longer continue licensed operations, any application for renewal of license filed by the licensee during the term of his indictment or the pendency of his application for removal of disabilities resulting from such conviction, shall be denied by the Assistant Regional Commissioner.

#### § 178.145 Research organizations.

The provisions of this part with respect to the sale or delivery of destructive devices, machine guns, short-barreled shotguns, and short-barreled rifles shall not apply to the sale or delivery of such devices and weapons to any research organization designated by the Director to receive same. A research organization desiring such designation shall submit a letter application, in duplicate, to the Director. Such application shall contain the name and address of the research organization, the names and addresses of the persons directing or controlling, directly or indirectly, the policies and management of such organization, the nature and purpose of the research being conducted, a description of the devices and weapons to be received, and the identity of the person or persons from whom such devices and weapons are to be received.

#### § 178.146 Deliveries by mail to certain persons.

The provisions of this part shall not be construed as prohibiting a licensed importer, licensed manufacturer, or licensed dealer from depositing a firearm for conveyance in the mails to any officer, employee, agent, or watchman who, pursuant to the provisions of section 1715 of title 18, U.S.C., is eligible to receive through the mails pistols, revolvers, and other firearms capable of being concealed on the person, for use in connection with his official duties.

#### § 178.147 Repair of firearm.

A person not otherwise prohibited by Federal, State or local law may ship a firearm to a licensed importer, licensed manufacturer, or licensed dealer for the sole purpose of repair or customizing, and notwithstanding any other provision of this part, the licensed importer, licensed manufacturer, or licensed dealer may return in interstate or foreign commerce to that person the repaired firearm or a replacement firearm of the same kind and type.

#### § 178.148 Ammunition loading for personal use.

The licensing provisions of this part shall not apply to any person who engages only in hand loading, reloading,



or custom loading ammunition for his own firearm, and who does not hand load, reload, or custom load ammunition for others.

**Subpart J—Penalties, Seizures, and Forfeitures**

**§ 178.161 False statement or representation.**

Any person who knowingly makes any false statement or representation with respect to any information required by the provisions of the Act or this part to be kept in the records of a person engaged in firearms or ammunition business, or in applying for any license, exemption, or relief from disability, under the provisions of the Act, shall be fined not more than \$5,000 or imprisonment not more than 5 years, or both.

**§ 178.162 Transportation or receipt to commit a crime.**

Any person who ships, transports, or receives a firearm or any ammunition in interstate or foreign commerce with intent to commit therewith an offense punishable by imprisonment for a term exceeding 1 year, or with knowledge and reasonable cause to believe that an offense punishable by imprisonment for a term exceeding 1 year is to be committed therewith, shall be fined not more than \$10,000, or imprisoned not more than 10 years, or both.

**§ 178.163 Commission of a Federal crime.**

Any person who uses a firearm to commit any felony which may be prosecuted in a court of the United States, or carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States, shall be sentenced to a term of imprisonment for not less than 1 year nor more than 10 years. In the case of a person's second or subsequent conviction under this section, such person shall be sentenced to a term of imprisonment for not less than 5 years nor more than 25 years, and notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence.

**§ 178.164 Receipt, etc., of firearms by certain persons.**

Any person who (a) has been convicted of a felony, (b) has been discharged from the Armed Forces under dishonorable conditions, (c) has been adjudged by a court of the United States or of a State or any political subdivision thereof of being mentally incompetent, (d) having been a citizen of the United States has renounced his citizenship, or (e) being an alien is illegally or unlawfully in the United States, who receives, possesses, or transports in commerce or affecting commerce, any firearm shall be fined not more than \$10,000 or imprisoned for not more than 2 years, or both; *Provided, however,* That the provisions of this section shall not apply to

any prisoner who by reason of duties connected with law enforcement has expressly been entrusted with a firearm by competent authority of the prison, or to any person who has been pardoned by the President of the United States or the chief executive of a State and has expressly been authorized by the President or such chief executive as the case may be, to receive, possess, or transport in commerce a firearm.

**§ 178.165 Receipt, etc., of firearms by certain employees.**

Any individual who to his knowledge and while being employed by any person who (a) has been convicted of a felony, (b) has been discharged from the Armed Forces under dishonorable conditions, (c) has been adjudged by a court of the United States or of a State or any political subdivision thereof of being mentally incompetent, (d) having been a citizen of the United States has renounced his citizenship, or (e) being an alien is illegally or unlawfully in the United States, and who, in the course of such employment, receives, possesses, or transports in commerce or affecting commerce, any firearm shall be fined not more than \$10,000 or imprisoned for not more than 2 years, or both; *Provided, however,* That the provisions of this section shall not apply to an employee employed by a person who has been pardoned by the President of the United States or the chief executive of a State and has expressly been authorized by the President or such chief executive, as the case may be, to receive, possess, or transport in commerce a firearm.

**§ 178.166 Seizure and forfeiture.**

Any firearm or ammunition involved in, or used or intended to be used in, any violation of the provisions of the Act or of this part, or in violation of any other criminal law of the United States, shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5845(a) of that Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of the Act.

**Subpart K—Exportation**

**§ 178.171 Exportation.**

Firearms and ammunition shall be exported in accordance with the applicable provisions of section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934) and regulations thereunder. However, licensed manufacturers, licensed importers, and licensed dealers exporting firearms and ammunition shall maintain records showing the manufacture or acquisition of the firearms and ammunition as required by this part and records showing the name and address of the foreign consignee of the firearms and ammunition and the date the firearms and ammunition were exported.

[F.R. Doc. 68-14996; Filed, Dec. 13, 1968; 8:49 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

#### PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

##### Administrative Instructions Prescribing Commuted Traveltime Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966, (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, as amended May 18, 1964 (29 F.R. 6318), December 7, 1964 (29 F.R. 16316), April 12, 1965 (30 F.R. 4609), June 18, 1965 (30 F.R. 7893), June 7, 1966 (31 F.R. 8020), October 11, 1966 (31 F.R. 13114), November 1, 1966 (31 F.R. 13939), November 23, 1966 (31 F.R. 14826), February 14, 1967 (32 F.R. 20843), April 15, 1967 (32 F.R. 6021), August 26, 1967 (32 F.R. 12441), September 29, 1967 (32 F.R. 13650), February 9, 1968 (33 F.R. 2756), March 7, 1968 (33 F.R. 4248), July 13, 1968 (33 F.R. 10085), July 31, 1968 (33 F.R. 10839), August 15, 1968 (33 F.R. 11587), September 25, 1968 (33 F.R. 14399), and November 8, 1968 (33 F.R. 16382), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein as follows:

#### OUTSIDE METROPOLITAN AREA

##### FOUR HOURS

Delete: Anacortes, Wash. (served from Blaine or Seattle, Wash.)

##### THREE HOURS

Add: Anacortes, Wash. (served from Blaine, Wash.)

##### FOUR HOURS

Add: Anacortes, Wash. (served from Seattle, Wash.)

These commuted traveltime periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions ef-



fective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 10th day of December 1968.

G. H. WISE,  
Acting Director, Animal Health  
Division, Agricultural Re-  
search Service.

[F.R. Doc. 68-14930; Filed, Dec. 13, 1968;  
8:46 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter V—National Aeronautics and Space Administration

#### PART 1240—INVENTIONS AND CONTRIBUTIONS

##### Subpart 2—Awards for Reported Technical and Scientific Contributions—NASA and Contractor Employees

Subpart 2 is revised in its entirety as follows:

Sec.	
1240.200	Policy on awards for reported technical and scientific contributions.
1240.200-1	Scope.
1240.200-2	Applicability.
1240.200-3	Authority.
1240.200-4	Definition.
1240.200-5	Policy.
1240.200-6	General provisions.
1240.201	Procedures for making awards for reported technical and scientific contributions.
1240.201-1	Scope.
1240.201-2	Procedures.
1240.201-3	Presentation of awards.

**AUTHORITY:** The provisions of this Subpart 2 issued under the authority of 42 U.S.C. 2457(f), 2458 and 2473(b) (1).

##### § 1240.200 Policy on awards for reported technical and scientific contributions.

###### § 1240.200-1 Scope.

This § 1240.200 establishes the revised policy for making awards to employees of NASA and NASA contractors for technical and scientific contributions reported to NASA which are determined to have significant value in the conduct of aeronautical and space activities.

###### § 1240.200-2 Applicability.

Subpart 1240.2 applies to any scientific or technical contribution which is a major scientific or technical development that (a) advances the state of knowledge in space or aeronautical activities, or (b) is the subject of a NASA Tech Brief or a U.S. patent application; and relates to the actions to be taken with respect to each.

##### § 1240.200-3 Authority.

Section 306 of the National Aeronautics and Space Act (42 U.S.C. 2458) authorizes the Administrator of the National Aeronautics and Space Administration to make monetary awards to any individual, partnership, corporation, association, institution, or other entity for any scientific or technical contribution to the Administration which is determined by the Administrator to have significant value in the conduct of aeronautical and space activities.

##### § 1240.200-4 Definition.

As used in this Subpart 2, a contribution having "significant value in the conduct of aeronautical and space activities" must be an item that contributes to the advancement of aeronautical or space science or operation and has demonstrable value and utility.

##### § 1240.200-5 Policy.

Suitable monetary awards shall be made to employees of NASA and NASA contractors for scientific and technical contributions, whether or not patentable, when determined to have significant value in the conduct of aeronautical and space activities.

##### § 1240.200-6 General provisions.

(a) Each contribution which is a major scientific or technical development that will advance the state of knowledge in space or aeronautical activities, although not the subject of a published NASA Tech Brief or a U.S. patent application, shall be worthy of an award. The amount of such award shall be subject to a separate determination in each instance.

(b) Each contribution on which a NASA Tech Brief is published shall be considered to be worthy of an award in at least the amount of \$25, and an award in at least that amount shall normally be given to each individual originating the contribution.

(c) Each contribution on which a U.S. patent application is filed shall be considered to be worthy of an award in at least the amount of \$50, and an award in at least that amount shall normally be made to each individual originating the contribution.

(d) Where a Tech Brief is issued and a patent application is filed on the same contribution, the minimum award under paragraphs (b) and (c) of this section shall be cumulative. The awards specified in paragraphs (a), (b), and (c) of this section shall not be granted to a contributor who previously had received full compensation for or on account of the use of such contribution by the United States.

(e) An appropriate written acknowledgment shall accompany each award made.

##### § 1240.201 Procedures for making awards for reported technical and scientific contributions.

###### § 1240.201-1 Scope.

This § 1240.201 establishes the revised procedures for making awards to em-

ployees of NASA and contractors for scientific and technical contributions reported to NASA which are determined to have significant value in the conduct of aeronautical and space activities.

##### § 1240.201-2 Procedures.

(a) A NASA Headquarters Office, NASA Field Installation or a NASA contractor may submit to the Inventions and Contributions Board an application for an award to the originator or originators of any scientific or technical contribution developed during the performance of a NASA program or contract which is considered to be of major importance in advancing the state of knowledge in space or aeronautical activities although not the subject of a NASA Tech Brief or on which a United States patent application is filed.

(b) When the Inventions and Contributions Board (hereafter called "Board") is notified of the issuance of a Tech Brief by the Office of Technology Utilization, NASA Headquarters, or the filing of a patent application, on a contribution submitted by an employee of NASA or a NASA contractor, it will take action to make the applicable minimum awards as set forth in paragraphs (a), (b), and (d) of § 1240.200-6.

(c) The Board will also consider for an additional award a contribution submitted by an employee of NASA in such amount as determined merited and to an employee of a NASA contractor, under the provisions of section 306 of the Space Act, if it considers that the contribution is of a value of \$250 or more.

(d) Where two or more persons are responsible for the contribution, the Board will determine the amount to be paid to each contributor. In the case of minimum awards reported under paragraph (b) of this § 1240.201-2, each contributor will receive the minimum amount.

(e) When contributions (as first reported and evaluated) are not considered to merit an award, as provided for in paragraph (a) of this section, or for an additional award as provided for in paragraph (b) of this section but later are shown to have proven value, they may be submitted for reevaluation. NASA offices and contractors will be encouraged to review periodically such reported contributions and resubmit them for reconsideration through the same channels as originally reported.

##### § 1240.201-3 Presentation of awards.

(a) All monetary awards and accompanying written acknowledgments to employees of NASA will be presented to the employee in an appropriate ceremony by the appropriate Official-in-Charge of the Headquarters Office or Director of the Field Installation (or their designee).

(b) All monetary awards and accompanying written acknowledgments given to employees of NASA contractors will be forwarded to the contractors for presentation.



Effective date: The provisions of §§ 1240.200 and 1240.201 are effective upon publication in the FEDERAL REGISTER.

T. O. PAINE,  
Acting Administrator.

ERNEST W. BRACKETT,  
Chairman, NASA Inventions and  
Contributions Board.

[F.R. Doc. 68-14959; Filed, Dec. 13, 1968;  
8:48 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission [Docket C-1453]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Associated Schools, Inc., et al.

Subpart—Advertising falsely or misleading: § 13.60 *Earnings and profits*; § 13.110 *Indorsements, approval and testimonials*; § 13.115 *Jobs and employment service*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1615 *Earnings and profits*; § 13.1665 *Indorsements*; § 13.1670 *Jobs and employment*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Associated Schools, Inc., Miami, Fla., Docket C-1453, Nov. 15, 1968]

*In the Matter of Associated Schools, Inc., a Corporation, and Joseph J. Miles and Charles L. Craig, and Elaine P. (Mrs. Joseph J.) Miles, Individually and as Officers of Said Corporation*

Consent order requiring a school for training operators of bulldozers, cranes, and other heavy equipment located in Dade County, Fla., to cease misrepresenting that its courses are recognized industrywide, and graduates will qualify as operators of heavy equipment, obtain immediate employment at exaggerated earnings, and membership in labor unions without a period of apprenticeship.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Associated Schools, Inc., formerly known as Associated Heavy Equipment Schools, Inc., a corporation, and its officers, and Joseph J. Miles, Charles L. Craig and Elaine P. (Mrs. Joseph J.) Miles, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of courses of study or instruction in heavy equipment operation or any other subject, trade or vocation, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. Upon completion of respondents' courses enrollees will be qualified for employment as operators of bulldozers, graders, draglines, cranes, or other heavy equipment; or misrepresenting, in any manner, the qualifications, training, or skill of persons completing respondents' courses of instruction.

2. Enrollees will spend substantially all of the time in the resident programs in the actual operation of heavy equipment; or misrepresenting, in any manner, the kind or amount of resident or other training afforded to purchasers of respondents' courses of instruction.

3. Respondents' training program is recognized or approved throughout the construction industry; or misrepresenting, in any manner, the recognition, approval or accreditation of respondents' school or courses or business.

4. By virtue of completing respondents' courses, enrollees will qualify for admission to membership in the various labor unions having jurisdiction over operators of heavy equipment; or that the training of respondents' courses will entitle and enable enrollees to be admitted to membership in labor unions as heavy equipment journeymen operators without the necessity of undergoing a union proficiency examination or a period of apprenticeship; or misrepresenting, in any manner, the opportunities of persons completing respondents' courses of instruction to become members of labor unions by virtue of having completed said courses.

5. Persons completing respondents' courses can expect to obtain employment by virtue of completing said courses as heavy-equipment operators at earnings of \$165 a week or \$10,000 per annum; or that persons completing any of respondents' courses of training or instruction can expect to receive or will receive any amount of income or earnings; provided, however, that it shall be a defense in any enforcement proceedings instituted hereunder for respondents to establish that persons completing respondents' courses of training or instruction in a certain occupation generally receive the represented amount by virtue of such training.

6. By virtue of completing respondents' courses, enrollees enter a labor market in which their services are in great demand; or misrepresenting, in any manner, the demand for heavy-equipment operators; or misrepresenting, in any manner, the demand for employment of persons who complete respondents' courses.

7. Persons completing respondents' courses can expect immediate or regular employment opportunities throughout the United States and foreign countries as a result of respondents' extensive nationwide contacts with employers seeking heavy-equipment operators; or misrepresenting, in any manner, the opportunities for employment in the United States and foreign countries of persons who complete respondents' courses; or misrepresenting, in any manner, respondent's contacts, connections, or affiliations with employers.

8. Respondents receive numerous bona fide employment requests for heavy-equipment operators from employers seeking persons who have completed respondents' courses; or misrepresenting, in any manner, the number or kind of requests received by respondents for persons who have completed their courses of training or instruction.

9. Persons completing respondents' courses can expect significant assistance from respondents in obtaining immediate or regular employment as heavy-equipment operators; or misrepresenting, in any manner, the kind, amount, or effectiveness of the assistance furnished to persons completing respondents' courses in seeking employment.

10. Salesmen of respondents' courses are "field registrars"; or misrepresenting, in any manner, the title or status or position of respondents' salesmen or other representatives.

B. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' courses of training and instruction, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

C. Furnishing to others, the means, instrumentalities, services or facilities to mislead or deceive prospective purchasers of respondents' courses of instruction.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: November 15, 1968.

By the Commission.

[SEAL]

JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 68-14918; Filed, Dec. 13, 1968;  
8:45 a.m.]

[Docket C-1452]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Child's World, Inc., et al.

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1390 *Concealed subsidiary, fictitious collection agency, etc.*; § 13.1450 *Individual or private business as educational, religious or research institution*; Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services*; § 13.1747 *Special or limited offers*; § 13.1757 *Surveys*; Misrepresenting oneself and goods—Prices: § 13.1825 *Usual as reduced or to be increased*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Child's World, Inc., Chicago, Ill., Docket C-1452, Nov. 14, 1968]



*In the Matter of The Child's World, Inc., a Corporation, and Warren H. Ward, Jr., and J. Robert Coffield, Individually and as Officers or Directors of Said Corporation, and Publishers Collection Service, Inc., a Corporation*

Consent order requiring a Chicago, Ill., door-to-door seller of children's books and encyclopedias and its collection affiliate to cease misrepresenting that it is conducting surveys relating to children, that its reading programs are created by university training centers, and that its prices are reduced for a limited time, and to cease using collection letters which simulate court documents.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents The Child's World, Inc., a corporation, and its officers, and Warren H. Ward, Jr., and J. Robert Coffield, individually and as officers or directors of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of encyclopedias, children's books or any other books in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Respondents' agents, representatives or employees are visiting the homes of families for the purpose of conducting tests or surveys or for any other purpose, other than the sale of books;

(b) Respondents' sales agents, representatives or employees are "educational consultants" or "educational representatives" or representing, in any manner, that said personnel are anything other than sales personnel;

(c) Respondents' books, supplements, publications or supplementary services are an Educational Program created in or with the cooperation of "university training centers"; or misrepresenting, in any manner, the persons, organizations or educational institutions which assisted or participated in the formulation of the program, books or publications offered by respondents to prospective purchasers;

(d) Any price at which respondents' books, supplements, publications or supplementary services or other products are offered for sale is a special, reduced or introductory price; provided, however, that it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that said special or reduced price constitutes a substantial reduction from the price at which the aforesaid books, supplements, publications or supplementary services or other products were sold or offered for sale in good faith for a reasonably substantial period of time by respondents in the recent regular course of their business or that said introductory price

applies to new material or a new combination of material and is less than the price to which the respondents in good faith expect to increase the price at a later date;

(e) Any offer is limited in point of time or in any manner; provided, however, that it shall be a defense in any enforcement proceeding instituted hereunder for the respondents to establish that any represented limitation or restriction was actually imposed and in good faith adhered to;

(f) An extra book, or any other product or service, is offered "Free" with the purchase of respondents' books or services provided the customer purchase said books or services at the first visit of the sales personnel or for any other reason; provided, however, that it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that "free" merchandise is offered only in connection with the said provision or reason and in good faith is adhered to.

(g) Sales personnel are instructed not to make return calls.

2. Misrepresenting, in any manner, the purpose, number, conditions or manner of salesmen's calls or return calls on purchasers or prospective purchasers.

3. Failing to deliver a copy of this order to cease and desist to all present and future supervisors or other persons engaged in the supervision or training of respondents' salesmen, failing to secure from each such supervisor or other person a signed statement acknowledging receipt of said order, failing to fully inform by a letter all present and future salesmen or other persons engaged in the sale of respondents' products or services of the terms and conditions of said order and failing to secure from each such sales person a signed statement acknowledging receipt of said letter.

*It is further ordered,* That respondents, The Child's World, Inc., a corporation, and its officers, and Warren H. Ward, Jr., and J. Robert Coffield, individually and as officers or directors of said corporation, and Publishers Collection Service, Inc., a corporation, and its officers, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the collection of, or attempts to collect, accounts, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using any unofficial or unauthorized document which simulates or is represented to be a document authorized, issued or approved by a court of law or any other official or legally constituted or authorized authority; or misrepresenting, in any manner, the source, authorization or approval of any document.

*It is further ordered,* That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

*It is further ordered,* That the respondents herein shall within sixty (60)

days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: November 14, 1968.

By the Commission.

[SEAL]

JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 68-14919; Filed, Dec. 13, 1968;  
8:45 a.m.]

## Title 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

[Release No. IC-5554]

#### PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

#### PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

#### Filing of Supplements to Investment Company Prospectuses

The Securities and Exchange Commission today made public the following statement of the Director of its Division of Corporate Regulation concerning the filing of such supplements to investment company prospectuses under the Securities Act of 1933 as may be appropriate in view of changes in stock exchange rules relating to "customer-directed give-ups" which become effective December 5, 1968.

Each registered investment company should review the disclosures in its prospectus relating to the placing of orders for the purchase and sale of portfolio securities, and the allocation of brokerage commissions in such transactions, to determine to what extent revision of such disclosures may be required as a result of changes in stock exchange rules, relating to "customer-directed give-ups," which become effective December 5, 1968.

Any appropriate revision of such disclosures should be made by a supplement to the prospectus filed pursuant to Rule 424(c) under the Securities Act of 1933 and not as a post-effective amendment to the registration statement.

In this connection, each company will, of course, recognize its obligation to obtain best execution and price in all portfolio transactions.

By the Commission, December 3, 1968.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 68-14926; Filed, Dec. 13, 1968;  
8:45 a.m.]



# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68-305]

### PART 12—SPECIAL CLASSES OF MERCHANDISE

#### Importation of Motor Vehicles and Items of Motor Vehicle Equipment

On April 10, 1968, Public Law 90-283 was enacted to amend the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391-1409) by adding a new section 123. This section provides a procedure whereby the Secretary of Transportation is authorized, upon petition by a manufacturer of 500 or less vehicles annually, to temporarily exempt such vehicles from certain Federal motor vehicle safety standards. The procedures for temporary exemption of such vehicles adopted by the Department, as published in the FEDERAL REGISTER on September 26, 1968 (33 F.R. 14457), require each exempted vehicle to bear a label or tag permanently affixed containing certain information including a statement listing the safety standards for which an exemption has been obtained. Since vehicles so exempted will no longer bear the "valid certification as required by section 114 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1403)" which is required by 19 CFR 12.80(b)(1) if a motor vehicle offered for importation is not to be refused entry, it is deemed desirable to amend 19 CFR 12.80(b) to allow entry of exempted vehicles bearing the exemption labels or tags required under the regulations of the Department of Transportation (23 CFR 217.13).

In addition, the Automobile Manufacturer's Association, Inc., on behalf of itself and its member companies, has made a showing of the necessity of importing and using for purposes of test or experiment for a limited time on the public roads, of a limited number of nonconforming motor vehicles manufactured outside the United States. The Association has requested an amendment of 19 CFR 12.80(b)(2)(vii) which currently, among other things, allows the importation of such vehicles for such purposes only upon a declaration by the importer that these vehicles will not be licensed for use on the public roads.

In consideration of the foregoing, § 12.80(b) is amended as follows:

Subparagraph (b)(1) is amended by changing the period following the words "so labelled or tagged", to a comma and (b)(2)(vii) is amended to read as follows:

§ 12.80 Federal motor vehicle safety standards.

(1) \* \* \* or (iii) (for vehicles only which have been exempted by the Secretary of Transportation from meeting certain safety standards) it bears a label or tag permanently affixed to such vehicle which meets the requirements set forth in the regulations of the Department of Transportation, 23 CFR 217.13.

(2) \* \* \*

(vii) The importer or consignee is importing such vehicle or equipment item solely for the purposes of show, test, experiment, competition, repairs or alterations and that such vehicle or equipment item will not be sold or licensed for use on the public roads: *Provided*, That vehicles imported solely for purposes of test or experiment may be licensed for use on the public roads for a period not to exceed one year, where such use is an integral part of tests or experiments for which such vehicle is being imported, upon condition that the importer attach to the declaration a description of the tests or experiments for which the vehicle is being imported, the period of time during which it is estimated that it will be necessary to test the vehicle on the public roads, and the disposition to be made of the vehicle after completion of the tests or experiments.

(Sec. 108, 80 Stat. 722, 15 U.S.C. 1397)

Since the first amendment is necessitated to conform to regulations of the Department of Transportation presently in effect and the second will affect a very limited number of persons with a legitimate interest in road testing nonconforming vehicles, notice and public procedure thereon is not considered necessary and good cause is found for dispensing with the delayed effective date provision of 5 U.S.C. 553(d). Therefore, the amendments shall be effective upon publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,  
Commissioner of Customs.

Approved: November 29, 1968.

JOSEPH M. BOWMAN,  
Assistant Secretary  
of the Treasury.

Approved: December 9, 1968.

LOWELL K. BRIDWELL,  
Federal Highway Administrator.  
[F.R. Doc. 68-14941; Filed, Dec. 13, 1968;  
8:47 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER A—GENERAL

#### PART 8—COLOR ADDITIVES

##### Subpart D—Listing of Color Additives for Food Use Exempt From Certification

##### Subpart F—Listing of Color Additives for Drug Use Exempt From Certification

#### COCHINEAL EXTRACT

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec.

706(b), (c) (2), (d), 74 Stat. 399-403, as amended; 21 U.S.C. 376(b), (c) (2), (d)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs, based on a petition (CAP 60) filed by the Meer Corp., c/o Mr. Daniel R. Thompson, Attorney, Carr, Bonner, O'Connell, Kaplan, and Scott, 1001 Connecticut Avenue NW., Washington, D.C. 20036, and other relevant material, finds that cochineal extract is safe for use in or on foods and drugs under the conditions prescribed in this order and that certification is not necessary for the protection of the public health. *Therefore, it is ordered*, That §§ 8.317 and 8.6009, which provide for the safe use of the color additive carmine, be revised to read as follows to include cochineal extract:

#### § 8.317 Cochineal extract; carmine.

(a) *Identity*. (1) The color additive cochineal extract is the concentrated solution obtained after removing the alcohol from an aqueous-alcoholic extract of cochineal (*Dactylopius coccus costa* (*Coccus cacti* L.)). The coloring principle is chiefly carminic acid.

(2) The color additive carmine is the aluminum or calcium-aluminum lake on an aluminum hydroxide substrate of the coloring principles, chiefly carminic acid, obtained by an aqueous extraction of cochineal (*Dactylopius coccus costa* (*Coccus cacti* L.)).

(3) Color additive mixtures for food use made with cochineal extract or carmine may contain only diluents that are suitable and that are listed in this Subpart D as safe in color additive mixtures for coloring foods.

(b) *Specifications*. (1) Cochineal extract shall conform to the following specifications:

pH, not less than 5.0 and not more than 5.5 at 25° C.

Protein (N x 6.25), not more than 2.2 percent.

Total solids, not less than 5.7 and not more than 6.3 percent.

Methyl alcohol, not more than 150 parts per million.

Lead (as Pb), not more than 10 parts per million.

Arsenic (as As), not more than 1 part per million.

Carminic acid, not less than 1.8 percent.

(2) Carmine shall conform to the following specifications:

Volatile matter (at 135° C. for 3 hours), not more than 20.0 percent.

Ash, not more than 12.0 percent.

Lead (as Pb), not more than 10 parts per million.

Arsenic (as As), not more than 1 part per million.

Carminic acid, not less than 50.0 percent.

Carmine and cochineal extract shall be pasteurized or otherwise treated to destroy all viable *Salmonella* microorganisms. Pasteurization or such other treatment is deemed to permit the adding of safe and suitable substances (other than chemical preservatives) that are essential to the method of pasteurization or other treatment used. For the purposes of this paragraph, safe and suitable substances are those substances that per-



form a useful function in the pasteurization or other treatment to render the carmine and cochineal extract free of viable *Salmonella* micro-organisms, which substances are not food additives as defined in section 201(s) of the act or, if they are food additives as so defined, are used in conformity with regulations established pursuant to section 409 of the act.

(c) *Uses and restrictions.* Carmine and cochineal extract may be safely used for coloring foods generally in amounts consistent with good manufacturing practice, except that they may not be used to color foods for which standards of identity have been promulgated under section 401 of the act unless added color is authorized by such standards.

(d) *Labeling requirements.* The label of the color additives and any mixtures intended solely or in part for coloring purposes prepared therefrom shall conform to the requirements of § 8.32.

(e) *Exemption from certification.* Certification of these color additives is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

#### § 8.6009 Cochineal extract; carmine.

(a) *Identity and specifications.* (1) The color additives cochineal extract and carmine shall conform in identity and specifications to the requirements of § 8.317(a) (1) and (2) and (b).

(2) Color additive mixtures for drug use made with carmine and cochineal extract may contain only those diluents that are suitable and that are listed in this Subpart F as safe in color additive mixtures for coloring drugs.

(b) *Uses and restrictions.* Cochineal extract and carmine may be safely used for coloring ingested and externally applied drugs in amounts consistent with good manufacturing practice.

(c) *Labeling requirements.* The label of the color additives and any mixtures intended solely or in part for coloring purposes prepared therefrom shall conform to the requirements of § 8.32.

(d) *Exemption from certification.* Certification of these color additives is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied

by a memorandum or brief in support thereof. All documents shall be filed in six copies.

*Effective date.* This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706 (b), (c) (2), (d), 74 Stat. 399-403, as amended; 21 U.S.C. 376 (b), (c) (2), (d))

Dated: December 6, 1968.

R. E. DUGGAN,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 68-14962; Filed, Dec. 13, 1968;  
8:48 a.m.]

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

#### Miscellaneous Amendments

Pursuant to the authority contained in the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), and effective upon publication of this order in the FEDERAL REGISTER, Part 120 is amended as follows to delete obsolete material and make editorial and minor technical changes:

1. In § 120.2(a), "sodium benzonate" is changed to "sodium benzoate."

2. A revision of § 120.1(j) (6) provides that only the roots of carrots be examined for pesticide residues. Accordingly, the following sections are amended to remove references to carrot tops:

a. In § 120.110, "(roots), carrots (tops)" is deleted from the paragraph "7 parts per million \* \* \*."

b. In § 120.114, "(with or without tops) or carrot tops" is deleted from the paragraph "7 parts per million \* \* \*."

c. In § 120.115, "(with or without tops) or carrot tops" is deleted from the paragraph "7 parts per million \* \* \*."

d. In § 120.116, "(with or without tops) or carrot tops" is deleted from the paragraph "7 parts per million \* \* \*."

e. In § 120.120, "(with or without tops) or carrot tops" is deleted from the paragraph "14 parts per million \* \* \*."

f. In § 120.121, "(with or without tops) or carrot tops" is deleted from the first paragraph.

g. In § 120.122, "(with or without tops) or carrot tops" is deleted.

h. In § 120.123, "(roots)" following the word "carrots" is deleted from the paragraph "30 parts per million \* \* \*."

i. In § 120.126, "(with or without tops)" is deleted from the paragraph "75 parts per million \* \* \*."

j. In § 120.138, "(with or without tops) or carrot tops" is deleted from the paragraph "7 parts per million \* \* \*."

k. In § 120.145, "(with or without tops) or carrot tops" is deleted.

l. In § 120.184, "(with or without tops) and carrot tops" is deleted from the paragraph "1 part per million \* \* \*."

m. In § 120.187, "(with or without tops) or carrot tops" is deleted.

n. In § 120.192, "(with or without tops) or carrot tops" is deleted.

o. In § 120.193, "(with or without tops) or carrot tops" is deleted.

p. In § 120.207, "(with or without tops)" is deleted from the second paragraph.

3. Section 120.123 is amended in the ninth paragraph by deleting "(with pods)" following "peas".

4. Section 120.187 is amended by changing "(parachlorophenyl)" to "(p-chlorophenyl)".

5. Section 120.207 is amended by deleting "alfalfa (fresh)" from the paragraph "0.05 part per million \* \* \*" because it is covered by "forage legumes" in that paragraph.

6. Section 120.219 is amended by changing "plant growth regulator" to "plant regulator" and by changing "and for its dimethylamina" to "and its dimethylamine".

7. Section 120.233 is amended by changing "(dimethylsulfamoyl)" to "(dimethylsulfamoyl)".

8. In § 120.1001(c) the reference to footnote 1 is deleted from the items "Dichlorodifluoromethane," "Dichlorotetrafluoroethane," and "Trichlorofluoromethane" and footnote 1 is deleted from the bottom of the table.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: December 5, 1968.

R. E. DUGGAN,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 68-14963; Filed, Dec. 13, 1968;  
8:48 a.m.]

## Title 29—LABOR

### Chapter V—Wage and Hour Division, Department of Labor

#### PART 723—LAUNDRY AND CLEANING INDUSTRY IN PUERTO RICO

##### Wage Order

Pursuant to sections 5, 6 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206 and 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 603 (33 F.R. 12103), the Secretary of Labor appointed and convened Industry Committee No. 77-B for the laundry and cleaning industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the



notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 77-B are hereby published, to be effective December 30, 1968, in this order amending section 723.2 of Title 29, Code of Federal Regulations, by revising subparagraphs (a) (1) and (b) (1). As amended, § 723.2 reads as follows:

**§ 723.2 Wage rates.**

(a) *Driver classification* (1) The minimum wage for this classification is \$1.15 per hour for the period ending January 31, 1969, \$1.30 per hour for the period beginning February 1, 1969, and ending January 31, 1970, and \$1.45 per hour thereafter.

(b) *Other activities classification* (1) The minimum wage for this classification is \$0.89 per hour for the period ending January 31, 1969, \$1.20 per hour for the period beginning February 1, 1969, and ending January 31, 1970, and \$1.35 per hour thereafter.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 10th day of December 1968.

CLARENCE T. LUNDQUIST,  
Administrator, Wage and Hour  
and Public Contracts Divi-  
sions, U.S. Department of  
Labor.

[F.R. Doc. 68-14967; Filed, Dec. 13, 1968;  
8:49 a.m.]

## Title 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter I—Coast Guard, Department of Transportation

#### SUBCHAPTER J—BRIDGES

[CGFR 68-147]

#### PART 117—DRAWBRIDGE OPERA- TION REGULATIONS

##### Great Lakes

1. The Commandant has recognized the need for establishing a Federal regulation which would give to the Commander, Ninth Coast Guard District authority to prescribe such temporary rules and regulations necessary for the prompt and efficient control of the seasonal operation of drawbridges in the Great Lakes Region. A public notice dated October 18, 1968, setting forth the proposed revision of the regulations governing drawbridges

in the Great Lakes Region was issued by the Commander, Ninth Coast Guard District and was made available to all persons known to have an interest in this subject. After consideration of all comments submitted in response to this proposal the following regulation is adopted. The purpose of this document is to set forth the requirements in 33 CFR 117.641a.

2. In view of the limited time remaining until the closure to navigation of the St. Lawrence Seaway on or about December 10, 1968, the usual 30-day period allowed preceding the effective date of a regulation after publication is impractical. Therefore, by virtue of the authority vested in me as Commandant, U.S. Coast Guard by 14 U.S.C. 632 and 49 CFR 1.4 (a) (3) and (g), the text of 33 CFR 117.641a reads as follows and shall be effective on and after date of publication of this document in the FEDERAL REGISTER.

#### § 117.641a Great Lakes tributaries; seasonal operation of drawbridges.

(a) Drawtenders need not be in constant attendance at drawbridges across streams or waterways discharging into any of the Great Lakes or portions of the Lakes themselves when the presence of ice closes those waters to navigation.

(b) Any bridge where the drawtender is not in constant attendance for the reason stated above shall, nevertheless, be opened for the passage of a vessel following receipt of at least 12 hours advance notice of the time the opening is required.

(c) Unless specifically prescribed elsewhere in this part, the bridges and the periods of time when this section shall be effective shall be as determined by the Commander, Ninth Coast Guard District, which shall be published in Notices to Mariners or otherwise.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g), 80 Stat. 941; 33 U.S.C. 499, 49 U.S.C. 1655(g); 49 CFR 1.4(a) (3) (v) and (g))

Dated: December 10, 1968.

W. J. SMITH,  
Admiral, U.S. Coast Guard,  
Commandant.

[F.R. Doc. 68-14934; Filed, Dec. 13, 1968;  
8:46 a.m.]

## Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans Administration

#### PART 1—GENERAL PROVISIONS

##### Copies of Records and Papers

In § 1.526(1), a new subparagraph (7) is added to read as follows:

#### § 1.526 Copies of records and papers.

##### (i) Schedule of fees:

(7) Fees to be determined based on actual costs.

The fee to be charged for special information, statistics, reports, tapes, audiovisual items (motion pictures, film strips, slide sets, sound recordings, video tapes, or combinations thereof), drawings, specifications, photographs, etc., will be based on the actual cost to the agency, including labor, material and overhead expenses

Fee to be determined by the official authorized to release the information or his designee under § 1.556(a).

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective the date of approval.

Approved: December 10, 1968.

By direction of the Administrator.

[SEAL] A. H. MONK,  
Acting Deputy Administrator.

[F.R. Doc. 68-14936; Filed, Dec. 13, 1968;  
8:46 a.m.]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 14—Department of the Interior

#### PART 14-2—PROCUREMENT BY FORMAL ADVERTISING

#### PART 14-7—CONTRACT CLAUSES

##### Irregularities in Bids and Safety and Health

The following amendments to 41 CFR 14-2, Procurement by Formal Advertising, published at 33 F.R. 3341 and of 41 CFR 14-7, Contract Clauses, published at 33 F.R. 7432 revise the Interior Department Procurement Regulations. These amendments are effective upon publication in the FEDERAL REGISTER.

#### § 14-2.405-50 Other irregularities in bids.

All communications with the Comptroller General will be conducted by the Assistant Secretary for Administration: *Provided, however*, That contracting officers may submit bid irregularities and other questions pertaining to contract awards directly to the Comptroller General when demanded by exigency or pressure of circumstance. When time will permit, consultation with members of the Office of the Solicitor, either at its headquarters or regional or field office, shall be accomplished prior to such communication. A copy of the letter, with attachments, if any, to the Comptroller General shall be forwarded simultaneously to the Director, Office of Survey and Review and to the Office of the Solicitor.

#### § 14-7.602-50(5)(a) Safety and health.

(a) In the interest of uniformity the heads of bureaus and offices shall require in every construction contract the inclu-



sion of a safety and health clause similar to the one given below, containing as a minimum those requirements. Insert in the blank space of the clause the title of (1) the bureaus' and offices' own approved construction safety manual, (2) "Construction Safety Standards" of the Bureau of Reclamation,<sup>1</sup> or (3) "Manual of Accident Prevention in Construction" (latest revised edition) of the Associated General Contractors of America, Inc.

STEWART L. UDALL,  
*Secretary of the Interior.*

DECEMBER 6, 1968.

[F.R. Doc. 68-14923; Filed, Dec. 13, 1968;  
8:45 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter II—Bureau of Land Management, Department of the Interior

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4543]

[Sacramento 1659]

#### CALIFORNIA

#### Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

##### HUMBOLDT MERIDIAN

##### SIX RIVERS NATIONAL FOREST

##### Big Flat Campground

T. 15 N., R. 2 E.,  
Sec. 14, S½SE¼SE¼SE¼;  
Sec. 23, NE¼NE¼NE¼.

##### Shelly Creek Campground

T. 17 N., R. 3 E.,  
Sec. 5, W½SW¼ lot 5 (W½SW¼NE¼NE¼).

##### Cedar Rustic Campground

T. 17 N., R. 3 E.,  
Sec. 9, SE¼SE¼SE¼;  
Sec. 16, NE¼NE¼NE¼.

##### Tish Tang Campground

T. 7 N., R. 5 E.,  
Sec. 5, W½ lot 3, lot 4, N½ lot 5, lots 6, and 37.

The areas described aggregate approximately 139 acres in Humboldt and Del Norte Counties.

<sup>1</sup> The publication referred to may be obtained from the Bureau of Reclamation, Office of Chief Engineer, Denver, Colo. Price \$2.40.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,  
*Assistant Secretary  
of the Interior.*

DECEMBER 9, 1968.

[F.R. Doc. 68-14920; Filed, Dec. 13, 1968;  
8:45 a.m.]

## Title 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

#### PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

##### Commuted Traveltime Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 14, 1968 (7 CFR 354.1), administrative instructions (7 CFR 354.2), effective August 19, 1967, as amended February 9, 1968, April 19, 1968, and July 25, 1968 (32 F.R. 11981, 33 F.R. 2757, 5987, 10561), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are hereby amended by adding to and deleting from the "lists" therein as follows:

##### § 354.2 Administrative instructions prescribing commuted traveltime.

\* \* \* \* \*

##### OUTSIDE METROPOLITAN AREA

##### ONE HOUR

Add: Castle AFB, Calif. (served from Merced, Calif.).

##### TWO HOURS

Add: Raymond, Wash. (served from Astoria, Oreg.).

##### THREE HOURS

Add: Anacortes, Wash. (served from Blaine, Wash.).

Add: Freeport, Tex. (served from Galveston, or Houston, Tex.).

Add: Grays Harbor, Wash. (served from Astoria, Oreg.).

Add: Hamilton AFB, Novato, Calif. (served from Travis AFB, Calif.).

Delete: Freeport, Tex. (served from Houston, Tex.).

Delete: Raymond, Wash. (served from Astoria, Oreg.).

##### FOUR HOURS

Add: Anacortes, Wash. (served from Seattle, Wash.).

Delete: Anacortes, Wash. (served from Blaine, or Seattle, Wash.).

Delete: Grays Harbor, Wash. (served from Astoria, Oreg.).

##### FIVE HOURS

Add: Phoenix, Ariz. (served from Tucson, Ariz.).

Delete: Phoenix, Ariz. (served from Nogales, Ariz.).

##### SIX HOURS

Add: Phoenix, Ariz. (served from Nogales, Ariz.).

\* \* \* \* \*

These commuted traveltime periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 10th day of December 1968.

[SEAL]

F. A. JOHNSTON,  
*Director,  
Plant Quarantine Division.*

[F.R. Doc. 68-14931; Filed, Dec. 13, 1968;  
8:46 a.m.]

### Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

#### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

##### PART 728—WHEAT

#### Subpart—Regulations Pertaining to Farm Acreage Allotments, Yields, Wheat Certificate Program for Crop Years 1968-69, and Wheat Diversion Program for the 1969 Crop Year

#### COUNTY PROJECTED YIELDS AND DIVERSION PAYMENT RATES

##### Correction

In F.R. Doc. 68-14263 appearing at page 17881 in the issue of Tuesday, December 3, 1968, the following corrections should be made in § 728.515(f).

1. Under the center heading "Idaho":  
a. The county designation "Owyhee" should read "Owyhee".  
b. The figure in the "Estimated loan rate \* \* \*" column opposite the county designation "Valley" should read "1.14" instead of "9.14".

2. Under the center heading "South Dakota," the county designation "Hardin" should be changed to read "Harding".



**Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture**

[Lemon Reg. 352]

**PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA**

**Limitation of Handling**

**§ 910.652 Lemon Regulation 352.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not re-

quire any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 10, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period December 15, 1968, through December 21, 1968, are hereby fixed as follows:

- (i) District 1: 14,880 cartons;
- (ii) District 2: 49,290 cartons;
- (iii) District 3: 103,230 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 12, 1968.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-15005; Filed, Dec. 12, 1968; 8:49 a.m.]

[Avocado Reg. 10, Amdt. 4]

**PART 915—AVOCADOS GROWN IN SOUTH FLORIDA**

**Limitation of Shipments**

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation

for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of Florida avocados are currently regulated pursuant to Avocado Regulation 10, as amended (33 F.R. 8500, 8801, 10501, 14116) and, unless sooner modified or terminated, will continue to be so regulated until April 30, 1969. The recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Avocado Administrative Committee on December 11, 1968; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommended regulation and information upon which the regulation is based were received by the Department on December 11, 1968; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of avocados; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period and in the manner hereinafter set forth so as to provide for the continued regulation of the handling of such avocados; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

*Order.* The provisions of § 915.310 (Avocado Reg. 10; 33 F.R. 8500, 8801, 10501, 14116) as amended as follows:

1. The provisions of paragraph (a) (1) are amended to read as follows:

**§ 915.310 Avocado Regulation 10.**

(a) *Order.* (1) During the period December 16, 1968, through April 30, 1969, no handler shall handle any avocados unless such avocados grade at least U.S. No. 2 grade;

2. The provisions of paragraph (b) are amended by substituting "and the term U.S. No. 2" for "and the term U.S. No. 3."

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, December 12, 1968, to become effective December 16, 1968.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-15038; Filed, Dec. 13, 1968; 11:21 a.m.]



# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[ 25 CFR Part 151 ]

### GENERAL GRAZING REGULATIONS

#### Notice of Proposed Rule Making

DECEMBER 10, 1968.

There was published in the *FEDERAL REGISTER* on October 17, 1968 (33 F.R. 15429), a notice of proposed rule-making which expressed an intent to revise the General Grazing Regulations of the Bureau of Indian Affairs, Part 151, Subchapter N, Chapter I, Title 25, of the Code of Federal Regulations. This notice provided that interested persons were given 30 days from the date of publication of the proposed revised regulations within which to submit their written comments, suggestions, or objections with respect thereto.

There was also published in the *FEDERAL REGISTER* on November 23, 1968 (33 F.R. 17358), a notice which extended the time period for the submission by interested persons of their comments, suggestions, or objections, for an additional 90 days from November 16, 1968.

The two notices, supra, cited as authorities for the issuance of the proposed revised regulations, the following:

**Basis and purpose.** This notice is published in the exercise of rule making authority (hereinafter referred to) delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. Pursuant to the authority vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9), and by section 6 of the Act of June 18, 1934 (48 Stat. 986), \* \* \*.

The purpose of this notice is to cite additional pertinent statutory authorities upon which the proposed revised regulations are based. Accordingly, the second sentence of the first paragraph titled "Basis and Purpose" beginning with the words "Pursuant to the authority vested in the Secretary of the Interior by \* \* \*" in the two previously published notices is hereby amended by deleting the following statutory citations: "sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9), and by section 6 of the Act of June 18, 1934 (48 Stat. 986)," and by inserting in lieu thereof the following statutory citations:

5 U.S.C. 301; R.S. 463, 25 U.S.C. sec. 2; R.S. 465, 25 U.S.C. sec. 9; and by sec. 6, 69 Stat. 986, 25 U.S.C. 466. Interpret or apply R.S. 2078, 25 U.S.C. 68; R.S. 2117, 25 U.S.C. 179; sec. 3, 26 Stat. 795, 25 U.S.C. 397; sec. 1, 28 Stat. 305, 25 U.S.C. 402; sec. 4, 36 Stat. 856, 25 U.S.C. 403; sec. 1, 39 Stat. 128, 25 U.S.C. 394; sec. 1, 41 Stat. 1232, 25 U.S.C. 393; C. 158, 47 Stat. 1417, 25 U.S.C. 413; secs. 16, 17, 48 Stat. 987, 988, 25 U.S.C. 476, 477; C. 210, 53 Stat. 840, 25 U.S.C. 68a, 87a; C. 554, 54 Stat. 745, 25

U.S.C. 380; secs. 1, 2, 4, 5, 6, 69 Stat. 539, 540, 25 U.S.C. 415, 415a, 415b, 415c, 415d.

ROBERT L. BENNETT,  
Commissioner of Indian Affairs.

[F.R. Doc. 68-14922; Filed, Dec. 13, 1968;  
8:45 a.m.]

## DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[ 7 CFR Part 905 ]

### ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

#### Notice of Proposed Rule Making With Respect to Approval of Expenses and Fixing of Rate of Assessment for 1968-69 Fiscal Period

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That expenses that are reasonable and likely to be incurred by the Growers Administrative Committee during the period August 1, 1968, through July 31, 1969, will amount to \$180,000.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 905.41, be fixed at \$0.006 per standard packed box.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the *FEDERAL REGISTER*. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: December 11, 1968.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and  
Vegetable Division, Consumer  
and Marketing Service.

[F.R. Doc. 68-14961; Filed, Dec. 13, 1968;  
8:48 a.m.]

[ 7 CFR Part 1104 ]

[Docket No. AO-298-A14]

### MILK IN RED RIVER VALLEY MARKETING AREA

#### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Wichita Falls, Tex., on August 15, 1968, pursuant to notice thereof issued on August 2, 1968 (33 F.R. 11299).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on October 9, 1968 (33 F.R. 15256; F.R. Doc. 68-12457), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (33 F.R. 15256; F.R. Doc. 68-12457) are hereby approved, adopted and are set forth in full herein subject to the following modifications:

1. Under Issue 1, paragraph 8 is changed.

2. Under Issue 4, paragraphs 6 and 7 are changed.

The material issues on the record of the hearing relate to:

1. Cooperative associations as handlers for milk delivered from farms to pool plants in bulk tanks;

2. Division of 2 percent shrinkage allowance;

3. The definition of "route";

4. Interest on unpaid obligations; and

5. Deletion of the base-excess plan of payment to producers.

This decision is concerned with Issues 1 through 4. A separate decision was issued on Issue 5 on September 13, 1968 (33 F.R. 14117).

**Findings and conclusions.** The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. Any cooperative association of producers which delivers milk of its producers from the farm directly to pool plants of other handlers in a tank truck owned or operated by such association or under the control of such association, by contract or otherwise, to the extent that such association supervises and controls the determination of farm weights and tests of its member milk should be defined as a handler.

The cooperative association in this market often takes responsibility for de-



livery of milk from producers' farms to regulated plants. Such delivery is provided in tank trucks. Each truckload of milk usually contains the production of several farmers.

The quantities of milk and the butterfat content thereof received from each producer constitute in the aggregate the skim milk and butterfat in the pool and must be reported to the market administrator. Under the bulk tank handling procedure described above, the cooperative association is in control of the information as to the quantities of milk and the butterfat tests thereof received from each producer. After the milk is commingled with milk of other producers in a tank truck there is no further opportunity to measure, sample, or reject the milk of an individual producer. Therefore, when weighing and testing are conducted under the direct supervision and control of a cooperative association the cooperative should be the handler responsible for reporting receipts of milk from member-producers and its disposition to other plants, for pooling any such milk not so disposed of, and for payments to individual producer-members.

Producers proposed that a cooperative association should be the handler on bulk tank milk delivered directly from farms to a pool plant of another handler only at its option. They proposed that upon notification by the cooperative association to the market administrator and the operator of the pool plant in writing prior to delivery, the transferee handler would be the responsible handler. For the reasons set forth above, a cooperative association should be the handler whenever it is performing the functions described, rather than on an elective basis.

As an alternative in the event that opportunity to elect handler status should be denied, proponents suggested that the cooperative and pool plant operator could agree that the pool plant operator could be the handler if he purchased milk on the basis of farm weights and tests as determined by the cooperative association. By the means hereinafter provided for assignment of shrinkage allowances the same result is achieved where farm weights and tests are the basis for receipt at the pool plant.

The cooperative association based its need for handler status on an elective basis primarily upon the problems to be encountered in a few instances when milk of producers who are not members of a cooperative association is commingled in the same tank truck with milk of member producers before delivery to a pool plant. It claims that in some instances the association contracts only for the hauling rates to apply on its member milk, in which case, it does not effectively control the weights and sampling either of its members' milk or the milk of non-members. Even in those situations when the cooperative has control of the weights and sampling of member milk on a truck load but does not have such control on nonmember milk it would be impossible to distinguish separately by physical measurement the shrinkage as-

sociated with cooperative milk from that occurring on nonmember milk.

Accordingly, the conditions under which the cooperative association is required to be the handler should specify that the cooperative supervise and control the determination of farm weights and tests of its member milk. In such cases it would be appropriate for the cooperative association to be the handler of the member milk in such commingled bulk tank.

The handler operating the pool plant may accept the cooperative association farm weights and tests of its member milk, in which case the commingling of such milk with other milk presents no problem in determining how much milk was received from the cooperative association at the pool plant. If, however, such farm weights are not accepted, means should be provided for determination of the quantity of member milk received at the pool plant in a tank truck in which member and nonmember milk is commingled and the total quantity received at the pool plant differs from the total of farm weights. The farm weights of all milk in the truck have been determined by the same person who has also taken farm samples for butterfat testing. The weight of milk received from the cooperative association should be the same proportion of the total receipts at the plant as it was of the total receipts determined at the farm.

The pool plant operator must account to the pool for the farm weights of the nonmember milk in tank trucks, as for other milk picked up in tank trucks for which he is the handler. The butterfat content of the plant receipts from the cooperative must be determined from the test of samples taken at the farm applied to the quantity determined by this proration. These procedures provide the most equitable method of determining the quantity of milk delivered by a cooperative association if farm weights are not accepted as the basis of settlement for commingled milk.

The cooperative is the only party in a position to make payments to the individual producers whose milk it picks up for delivery in bulk tanks. Consequently, it is necessary that the cooperative settle with individual producers according to the quantity of milk received from each of them. The order uniform price of such milk is that applicable at the pool plant to which delivery is made.

The operator of the pool plant to which a cooperative association delivers milk picked up at the farm in a bulk tank is the handler in control of the utilization of the milk so received. He should therefore be responsible for reporting its utilization, and for its value at the class prices applicable to such utilization. This can be accomplished by treating such milk the same as receipts of other producer milk at the pool plant.

The pool plant operator would be responsible to the producer-settlement fund and for administrative expense assessment on milk it received from the cooperative. The pool plant operator would be charged the class prices based

on his utilization for milk he received at his plant from the cooperative and would pay the cooperative association bulk tank handler the minimum uniform price for such milk, the same as for milk received from an individual producer. This procedure simplifies any adjustments based upon audit of the handler's records.

The separate responsibilities of the respective handlers when a cooperative delivers bulk tank milk of its members to pool plants of other handlers require changes in certain other order provisions. These include the "producer milk" definition, some change in reporting requirements, and payment provisions (including administrative expense). The revised reporting requirements in turn change a reference used in defining the obligations of a partially regulated distributor. These changes in provisions do not otherwise alter the obligations of any handler.

2. Provision should be made for division of the two percent shrinkage allowance on milk for which a cooperative association is the bulk tank handler and on milk moved between plants.

When a cooperative is performing in its capacity as a bulk tank handler, a division of shrinkage allowance on milk it handles is necessary if such milk is not accepted by the pool plant operator on the basis of farm weights and tests.

Provision should be made that the pool plant operator who accounts for milk received from the cooperative association handler on the basis of farm weights and tests may account for up to two percent of such receipts in Class II as shrinkage but if the quantity of such receipts is determined otherwise, the allowable Class II shrinkage to the plant operator is 1.5 percent, with up to one-half percent shrinkage allowance to the cooperative association. Other methods which may be used to determine the weights and tests of plant receipts must be such that the market administrator is enabled to determine the accuracy of the quantities of skim milk and butterfat in milk for which the receiving handler is responsible.

The order presently provides a shrinkage allowance of two percent of receipts from producers and of receipts from other order plants and unregulated supply plants except as designated for Class II use. The division of this shrinkage allowance provided with respect to milk delivered by a cooperative association acting as a bulk tank handler recognizes that part of the handling in which shrinkage occurs has taken place prior to receipt at the plant of ultimate disposition. In this case, the milk collected at the farm is measured at the farm. Some loss would normally occur during the transfer operation between the farm and the plant. Unless the plant operator accepts the milk at farm weights and tests, the cooperative association is the handler responsible for the classification of the milk lost. A shrinkage allowance of not more than one-half percent to be classified as Class II milk should be provided.



It was also proposed that the shrinkage allowance be similarly divided when milk is moved between plants, or is diverted to nonpool plants. In such cases a portion of the handling in which shrinkage occurs takes place in different plants, or between the farm and nonpool plant. The proportion of one-half percent to the plant which receives milk and 1.5 percent to the plant to which milk is moved after receipt is commonly used in Federal orders for this purpose, and is considered reasonable under normal circumstances. It should be adopted in the Red River Valley order.

To provide equitable application of the shrinkage provisions to all handlers who may have various kinds of milk receipts, the order should provide 1.5 percent shrinkage allowance on receipts of bulk Grade A fluid milk products from other milk plants, except other order and other source receipts for which Class II use is designated. Likewise, provision should be made for reduction of a handler's total shrinkage allowance by 1.5 percent of movements to other milk plants. With respect to milk diverted between pool plants, the present provision which assigns the 2 percent allowance to the plant at which the milk is received is continued. With respect to diversions to nonpool plants, the division of shrinkage is determined by whether farm weights and tests are used as the basis of receipt at the nonpool plant. If farm weights and tests are used, there is no shrinkage allowance to the diverting handler. If other methods are used, one-half percent is provided for such handler.

3. A definition of "route disposition" should be incorporated in the order to define clearly the meaning of the term and to assist in identifying those plants to be regulated under the order. At the present time the order does not contain a definition of route or route disposition although the term is used a number of times in other provisions of the order.

The term "route disposition" would mean the delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products, other than a delivery to a milk plant.

Fluid milk products may be delivered through another milk plant. Such delivery might then be considered a route disposition of both the processing and packaging plant and the plant through which disposition is made to the ultimate consumer.

Only one distributing plant should be credited for purposes of pooling with route deliveries of the same milk. To avoid duplicate credit for route disposition, all deliveries to other milk plants are excluded from the definition of "route disposition."

4. A provision should be included in the order to require the payment of interest on amounts due from handlers to the market administrator for each month or portion thereof that such obligation is overdue on any unpaid obligation due to the producer-settlement fund, marketing service fund, and administrative expense fund.

This provision is included in many other orders. Inclusion of such provision in this order will tend to assure prompt payment of amounts due and is essential to effective operation of the order. The establishment of an interest charge will have no effect on handlers who consistently pay their obligations promptly.

The purpose of interest payments on overdue obligations is to encourage prompt payment of amounts due on or before the specified date. If amounts owed are not paid on time, other persons are affected in that payments from the several accounts would of necessity be reduced until the obligations were paid. The half percent per month rate provided is comparable to the cost of borrowing money under normal business practices. Interest would be computed on the first day of the month next following the due date and would be compounded on the first day of each month thereafter until paid.

Interest payments should be limited to obligations due to the market administrator from handlers. The proposal of the principal cooperative supplying the market to apply an interest charge to obligations payable by the market administrator from the producer-settlement fund, marketing service fund, and administrative fund should not be adopted. These funds are only in the custody of the market administrator who simply collects and disburses them in accordance with the order terms.

Neither should interest be charged, as proposed, on unpaid obligations owed by handlers to producers or cooperative associations of producers. No showing was made on the record that any handlers have been delinquent in payments to cooperative associations or individual producers.

The market administrator only knows the date upon which payment to a cooperative association or a producer is made upon audit or after complaint from the party to whom payment is due. Audit might not reveal the date a check was issued if the check bore an earlier date. The market administrator would, under such circumstance, have no record basis upon which to apply interest.

Handlers and cooperatives in this market have frequently entered into contracts and agreements on the prices paid for milk. The cooperative as the marketing agent for its producers has authority to contract with purchasing handlers to provide for payment of interest or other penalty on delinquent accounts.

Thus, considerations of the terms and conditions of sale of milk might better be left to the parties entering into the contract instead of being incorporated in this order. In view of current marketing conditions, interest charges on overdue payments of handlers to producers or groups of producers should not be adopted on the basis of this record.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and

the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, the one exception received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with such exception, such exception is hereby overruled for the reasons previously stated in this decision.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Red River Valley Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Red River Valley Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of



said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

*Determination of representative period.* The month of September 1968 is determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Red River Valley marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on December 11, 1968.

TED J. DAVIS,  
Assistant Secretary.

*Order<sup>1</sup> Amending the Order Regulating the Handling of Milk in the Red River Valley Marketing Area*

**§ 1104.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Red River Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a

sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Red River Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on October 9, 1968, and published in the FEDERAL REGISTER on October 12, 1968 (33 F.R. 15256; F.R. Doc. 68-12457), shall be and are the terms and provisions of this order, and are set forth in full herein:

1. In § 1104.7, paragraph (c) is revised to read as follows:

**§ 1104.7 Distributing plant.**

\* \* \* (c) from which Class I milk is disposed of during the month on routes in the marketing area in an amount greater than an average of 600 pounds per day.

2. In § 1104.11, a new paragraph (e) is added to read as follows:

**§ 1104.11 Handler.**

\* \* \* \* \*

(e) A cooperative association with respect to milk of its member producers picked up at the farm for delivery to the pool plant of another handler in a tank truck owned or operated by such association, or under the control of such association, by contract or otherwise, to the extent that such association supervises and controls the determination of farm weights and tests of the milk of each of such member producers.

3. Section 1104.14 is revised to read as follows:

**§ 1104.14 Producer milk.**

"Producer milk" means all skim milk or butterfat in milk from producers as follows:

(a) With respect to operations of a pool plant:

(1) Received directly from such producers;

(2) Received from a cooperative association handler pursuant to § 1104.11 (e); and

(3) Diverted by the operator of such pool plant to a nonpool plant for his account, subject to the limits prescribed in § 1104.63.

(b) With respect to additional receipts by a cooperative association handler:

(1) Diverted by such cooperative association pursuant to § 1104.11(c) subject to the limits prescribed in § 1104.63; and

(2) Received by such cooperative association from producers' farms as a handler pursuant to § 1104.11(e) in excess of the quantity delivered to pool plants pursuant to paragraph (a) (2) of this section. Such milk shall be priced to the cooperative association at the location of the pool plant to which most of the milk in the tank truck was delivered.

4. A new § 1104.17 is added to read as follows:

**§ 1104.17 Route disposition.**

"Route disposition" or "disposed of on routes" means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products, other than a delivery to a milk plant.

5. Section 1104.30 is revised to read as follows:

**§ 1104.30 Reports of receipts and utilization.**

On or before the seventh day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator, as follows:

(a) Each handler pursuant to § 1104.11 (a) shall report:

(1) The quantities of skim milk and butterfat contained in milk received from producers;

(2) The quantities of skim milk and butterfat contained in (or used in the production of) receipts of fluid milk products from other handlers;

(3) The quantities of skim milk and butterfat contained in (or used in the production of) other source milk (except Class II products disposed of in the same form in which received without further processing or packaging by the handler) and any disappearance of other source milk held in inventory;

(4) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(5) The disposition of Class I products on routes wholly outside the marketing area;

(6) The quantities of fluid milk products on hand at the beginning and end of the month; and

(7) Such other information with respect to receipts and utilization as the market administrator may prescribe.

(b) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1104.11 (c) or (e):

(1) Receipts of skim milk and butterfat from producers;

(2) The quantities delivered to each pool plant and each nonpool plant; and

(3) The utilization of all skim milk and butterfat not delivered to pool plants.

(c) Each handler specified in § 1104.11 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat dis-

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.



posed of in the marketing area as Class I milk on routes.

6. In § 1104.41(b), subparagraph (6) is revised to read as follows:

**§ 1104.41 Classes of utilization.**

(b) \* \* \*

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1104.42(b) (1), but not to exceed the following:

(i) 2 percent of milk received directly from producers (as specified in § 1104.63 (a) with respect to milk diverted from a pool plant to the pool plant of another handler); plus

(ii) 1.5 percent of receipts from a cooperative association handler pursuant to § 1104.11(e), except that if the handler operating the pool plant files notice with the market administrator that he is accounting for such milk on the basis of farm weights and tests determined by the cooperative association, the applicable percentage shall be 2 percent. If farm weights and tests are not used as the basis for any such milk commingled in a tank truck with milk of producers who are not members of the cooperative association, the milk received from the cooperative association shall be the proportion of the total receipts at the plant that such milk was of the total receipts determined at the respective farms; plus

(iii) 1.5 percent of milk received in bulk tank loads from other pool plants; plus

(iv) 1.5 percent of milk received in bulk tank loads from other order plants, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) 1.5 percent of milk received in bulk tank loads from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; less

(vi) 1.5 percent of milk in bulk tank loads transferred to other milk plants or diverted to a nonpool plant (such percentage shall be 2 percent if farm weights and tests are used as the basis of receipt for milk diverted to a nonpool plant); and

(vii) 0.5 percent of milk received at the farm by a cooperative association handler pursuant to § 1104.11(c) or (e), exclusive of receipts for which farm weights and tests are used as the basis of receipt at the plant to which delivered;

7. Section 1104.43 is revised to read as follows:

**§ 1104.43 Responsibility of handlers and reclassification of milk.**

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified otherwise. With respect to milk received for delivery to a pool plant by a cooperative as-

sociation handler pursuant to § 1104.11(e), the operator of the pool plant shall have the burden of proving the classification of the skim milk and butterfat defined in § 1104.14(a) (2);

(b) Milk received by a handler operating a pool plant from a cooperative association handler pursuant to § 1104.11(e) shall be classified according to use or disposition at the receiving plant and the value thereof at class prices shall be included in the receiving handler's net obligation pursuant to § 1104.70; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses the original classification was incorrect.

8. The introductory text of § 1104.62 is revised to read as follows:

**§ 1104.62 Obligations of handler operating a partially regulated distributing plant.**

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1104.30(c) and 1104.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section.

9. In § 1104.80(b), add a new subparagraph (3) to read as follows:

**§ 1104.80 Time and method of payment for producer milk.**

(b) \* \* \*

(3) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1104.11(e), shall on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(i) Partial payment for milk received during the first 15 days of the month at the rate specified in paragraph (a) of this section; and

(ii) In making final settlement, the value of such milk at the applicable uniform price, less the amount of partial payment made for such milk.

10. Revise § 1104.84 to read as follows:

**§ 1104.84 Adjustment of accounts.**

(a) Whenever audit by the market administrator or other verification discloses errors resulting in monies due (1) the market administrator from a handler, (2) a handler from the market administrator, or (3) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such errors occurred.

(b) Any unpaid obligation of a handler pursuant to § 1104.82, § 1104.85,

§ 1104.86, or paragraph (a) (1) of this section shall be increased one-half of 1 percent on the first day of the month next following the due date of such obligation and compounded on the first day of each month thereafter until such obligation is paid.

11. In § 1104.86, paragraph (a) is revised to read as follows:

**§ 1104.86 Expense of administration.**

\* \* \* (a) producer milk (including that pursuant to § 1104.14(a) (2) and such handler's own production), \* \* \* [F.R. Doc. 68-14932; Filed, Dec. 13, 1968; 8:46 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Public Health Service

#### [ 42 CFR Part 73 ]

### BIOLOGICAL PRODUCTS

#### Additional Standards: Anthrax Vaccine, Adsorbed

Notice is hereby given that the Director, National Institutes of Health, proposes to amend Part 73 of the Public Health Service Regulations by prescribing specific standards of safety, purity, and potency for Anthrax Vaccine, Adsorbed.

Inquiries may be addressed, and data, views, and arguments may be presented by interested parties, in writing, in triplicate, to the Director, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make any amendments that are adopted effective 60 days after publication in the FEDERAL REGISTER.

Amend Part 73 of the Public Health Service Regulations as follows:

1. Add the following to the table of contents after "73.406 Equivalent methods.":

**ADDITIONAL STANDARDS: ANTHRAX VACCINE, ADSORBED**

73.420 Proper name and definition.  
73.421 U.S. Reference preparation.  
73.422 Production.  
73.423 Potency test.  
73.424 General requirements.

2. Amend § 73.86 by inserting immediately after "Allergenic Extracts, Alum Precipitated ----- Eighteen months (5° C., eighteen months)." the following:

Anthrax Vaccine, One year (5° C., two years). § 73.84 does not apply.

3. Add the following after § 73.406:

**ADDITIONAL STANDARDS: ANTHRAX VACCINE, ADSORBED**

**§ 73.420 Proper name and definition.**

The proper name of this product shall be Anthrax Vaccine, Adsorbed, which



shall consist of an aqueous preparation of a fraction of *Bacillus anthracis* which contains the protective antigen adsorbed on aluminum hydroxide.

**§ 73.421 U.S. Reference preparation.**

The U.S. Reference Anthrax Vaccine distributed by the Division of Biologics Standards shall be used for determining the potency of anthrax vaccine.

**§ 73.422 Production.**

(a) *Strain of bacteria.* A nonencapsulated, nonproteolytic, avirulent strain of *Bacillus anthracis* shall be used in the manufacture of anthrax vaccine.

(b) *Medium.* A chemically defined medium shall be used for the propagation of *Bacillus anthracis* which has protective-antigen promoting properties that are no less effective than the protective-antigen promoting properties of the Puziss and Wright 1095 medium as set forth in U.S. Patent No. 3,208,909, issued September 28, 1965, which patent is hereby incorporated by reference and deemed published herein. U.S. Patent No. 3,208,909 has been assigned to the Federal Government and copies will be provided to persons affected by the provisions of this part upon request to the Director, Division of Biologics Standards, or to the U.S. Public Health Service Information Center, Washington, D.C., or any Regional Office Information Center as listed in 45 CFR, Part 5. Copies also may be obtained upon request from the U.S. Patent Office, Washington, D.C. The medium shall not contain ingredients known to be capable of producing allergic effects in human subjects.

(c) *Propagation of bacteria.* The medium shall be inoculated with a 24-hour old vegetative culture seeded from a stock suspension of spores. The propagation culture, flushed with nitrogen, shall be incubated at  $37^{\circ}\text{C} \pm 1.0^{\circ}\text{C}$ , agitated for approximately 27 hours, cooled to about  $20^{\circ}\text{C}$ , the pH adjusted to  $8.0 \pm 0.1$  and then filtered through a sterilizing filter(s) using nitrogen gas under pressure.

(d) *Adsorption of the protective antigen.* The sterile filtrate shall be adsorbed on sterile aluminum hydroxide gel and the recovered precipitate shall be resuspended and diluted in sterile 0.85 percent sodium chloride solution.

**§ 73.423 Potency test.**

The potency of each lot of vaccine shall be estimated from the results of simultaneous tests of the vaccine under test and the U.S. Reference Anthrax Vaccine. The test shall be performed as follows:

(a) *Guinea pigs.* Healthy guinea pigs shall be used, all from a single strain and of the same sex, or an equal number of each sex in each group, with individual weights between 325 and 350 grams. The diet of the guinea pigs shall be supplemented with vitamin C throughout the test period. At least three groups of no less than eight guinea pigs shall be used for each vaccine and at least one group of four guinea pigs shall be used for the challenge control.

(b) *Vaccination.* Serial dilutions, not greater than threefold, of each vaccine shall be made in 0.85 percent sodium chloride solution. The middilution of the vaccine under test shall contain that amount of vaccine which will afford protection to approximately 50 percent of the guinea pigs in the group vaccinated with that dilution. Each guinea pig in the test and reference vaccine groups shall be injected subcutaneously with 0.5 ml. of the appropriate dilution on the left side of the abdomen and about 2 cm. from the midline. The interval between vaccination and challenge shall be 14 days.

(c) *The challenge.* Each vaccinated and control guinea pig shall be injected intracutaneously on the right side of the abdomen with 0.1 ml. of a spore suspension of the virulent Vollum strain of *Bacillus anthracis* diluted in sterile distilled water to contain 10,000 spores per milliliter.

(d) *Recording the results.* The guinea pigs shall be observed daily for 10 days and the deaths recorded. The number of survivors shall be recorded at the end of the observation period.

(e) *Validity of the test.* The test shall be valid provided (1) the protective response to each vaccine is graded in relation to the amount of vaccine in the respective dilutions and (2) all control animals die within 10 days.

(f) *Potency requirement.* The potency of the product is satisfactory if the vaccine is no less potent than the reference. The potency of the product is considered to be equal to the reference when (1) the average time of death of the product-vaccinated guinea pigs is no less than the average time of death of the reference-vaccinated guinea pigs and the number of survivors of the product-vaccinated guinea pigs is no less than the number of survivors of the reference-vaccinated guinea pigs, or (2) the use of another statistical procedure, shown to be adequate for evaluating the potency of anthrax vaccine, demonstrates that the product is no less potent than the reference.

**§ 73.424 General requirements.**

(a) *Dose.* These standards are based on a single human dose of 0.5 ml. and a total primary immunizing dose of three single doses, each giving at appropriate intervals.

(b) *Product characteristics.* Recommendation shall be made through appropriate labeling that the product after issue should not be frozen.

(c) *Samples; protocols; official release.* For each lot of vaccine, the following material shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014:

(1) A protocol which consists of a summary of the manufacture of each lot including all results of all tests for which test results are requested by the Director, Division of Biologics Standards.

(2) A sample of no less than 40 ml. of the final product distributed in approximately equal amounts into four final containers.

Anthrax vaccine shall not be issued by the manufacturer until notification of official release of the lot is received from the Director, Division of Biologics Standards.

(d) *Equivalent methods.* Modification of any particular manufacturing method or process or the conditions under which it is conducted as set forth in the additional standards relating to anthrax vaccine, shall be permitted whenever the manufacturer presents evidence that demonstrates the modification will provide assurances of the safety, purity, and potency of the vaccine that are equal to or greater than the assurances provided by such standards, and the Director, National Institutes of Health, so finds and makes such findings a matter of official record.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: November 6, 1968.

ROBERT Q. MARSTON,  
Director,  
National Institutes of Health.

Approved: December 9, 1968.

WILBUR J. COHEN,  
Secretary.

[F.R. Doc. 68-14965; Filed, Dec. 13, 1968;  
8:49 a.m.]

**Social Security Administration**

**[ 20 CFR Part 405 ]**

**HEALTH INSURANCE FOR THE AGED**

**Notice of Proposed Rule Making**

**Correction**

In F.R. Doc. 68-14233, appearing at page 17691 of the issue for Wednesday, November 27, 1968, the following correction should be made:

The 12th line of § 405.1701(a)(1) is corrected to read "participating rehabilitation agencies and clinics and".

**[ 45 CFR Parts 300, 301, 307, 350 ]**

**FEDERAL CREDIT UNION OPERATIONS**

**Notice of Proposed Rule Making**

Notice is hereby given that the Director of the Bureau of Federal Credit Unions, Social Security Administration, Department of Health, Education, and Welfare, is considering proposed amendments to Parts 300, 301, and 307, and deletion of Part 350 of the Rules and Regulations for Federal credit unions.

The proposed amendments are of two types. One type consists of miscellaneous amendments intended to clarify the powers and improve the operating flexibility of Federal credit unions. The other type consists of amendments designed to implement the provisions of Public Law 90-375 (82 Stat. 284-286).

The publication of the proposed new section 301.29 is specifically authorized by section 1 of Public Law 90-375. All other amendments are proposed under the general rulemaking powers of the Director contained in section 21 of the



Federal Credit Union Act (73 Stat. 635, 12 U.S.C. 1766).

The most significant of the miscellaneous amendments proposed is the new § 301.30, which grants authority and establishes standards for the maintenance of safety deposit boxes by Federal credit unions. Another miscellaneous amendment would eliminate the existing restriction in § 301.9 of a 6 percent interest rate on loans made by Federal credit unions to other credit unions. A third proposed amendment would eliminate the requirement in the same section that the borrowing credit union furnish the lending credit union a copy of the latest audit report made by the supervisory committee. A fourth proposed amendment, in § 301.12, would eliminate the requirement that a copy of the report of each comprehensive annual audit be filed with the Regional Representative no later than 15 days after completion of the audit. A fifth proposed amendment would add vocational education in § 301.21(d)(3) as a loan purpose for which the board of directors may set varying repayment schedules notwithstanding § 301.21(d)(1). A sixth and seventh proposed amendments would make changes in §§ 301.10 and 301.20 to conform with the recently-released Standard Bylaws for Federal Credit Unions. An eighth proposed amendment would add a definition of "credit union" to § 300.1. This definition will have particular applicability to §§ 301.9 and 301.29, by defining the type of credit union which may be the subject of lending or the purchase of notes by a Federal credit union. Finally, Part 350 would be deleted, a technical change to conform with the repeal of the District of Columbia Credit Unions Act.

Among the specific amendments intended to implement Public Law 90-375 is a proposed revision of § 301.12, setting forth guidelines for the conduct of semi-annual audits. Under this proposed amendment, supervisory committees, rather than automatically furnishing copies of reports of annual audits to the Regional Representative, would be responsible for maintaining the work papers used in the audits for review by the Federal Credit Union Examiner. Copies of the audit reports would be furnished the Regional Representative only upon his request.

Another proposed amendment would make a technical change in § 301.21(d)(3), dealing with student loans, by removing the 5-year maturity limit in conformance with the new law. A third amendment would define, in a proposed new § 301.21(f), a secured loan, in order to permit implementation of the provision of the new law extending the maturity limit from 5 to 10 years for certain types of secured loans. Another amendment in the same section would add a proposed new § 301.21(g) which would take into account the legislative history of the extended maturity amendment by setting forth examples of extraordinary loan purposes which would justify maturities in excess of 5 years but not exceeding 10 years.

A proposed amendment would add a new § 301.29 to implement the authority in the law for Federal credit unions to purchase the notes made by individual members of a liquidating credit union. This proposal includes qualifications which were discussed by the Director in Congressional testimony.

A final amendment would amend § 307.3 to make conforming changes in the requirements for information to be submitted by a credit union seeking to convert to a Federal charter.

Comments on the proposed amendments will be welcome, and should be submitted in writing to the Director, Bureau of Federal Credit Unions, Social Security Administration, Department of Health, Education, and Welfare, Washington, D.C. 20201, within 30 days after the date of publication in the *FEDERAL REGISTER*.

Dated: September 5th, 1968.

J. DEANE GANNON,  
*Director,*  
*Bureau of Federal Credit Unions.*

Approved: September 25, 1968.

ROBERT M. BALL,  
*Commissioner of*  
*Social Security.*

Approved: December 2, 1968.

WILBUR J. COHEN,  
*Secretary of Health, Education,*  
*and Welfare.*

Part 300 of Chapter III of Title 45 is amended as follows:

1. Section 300.1 is amended by adding after paragraph (f) the following new paragraph:

#### § 300.1 Definitions.

(g) The term, "credit union," means a credit union chartered under the Federal Credit Union Act or, as the context permits, under the laws of any State.

Part 301 of Chapter III of Title 45 is amended as follows:

1. Section 301.9 is revised as follows:

#### § 301.9 Loans by Federal credit unions to other credit unions.

(a) Upon authorization of its board of directors, or a duly authorized and appointed executive committee, a Federal credit union may invest its funds in loans to other credit unions in the total amount not exceeding 25 percent of its paid-in and unimpaired capital and surplus. The terms of the loans shall not exceed 1 year.

(b) Prior to making such loans, the Federal credit union shall require the borrowing credit union to furnish the following:

(1) A current financial and statistical report;

(2) A certified copy of the resolution of the board of directors or the executive committee authorizing such borrowing; and

(3) A certificate from the secretary of the credit union that the persons negotiating the loan and executing the note are officers of the credit union and are au-

thorized to act in its behalf, and that such borrowing does not exceed the maximum borrowing power of the borrowing credit union.

2. Section 301.10 is revised as follows:

#### § 301.10 Establishment of a cash fund.

The board of directors of a Federal credit union may authorize the establishment of or changes in a cash fund for making change, cashing checks, or other purposes. Before such authorization is given, the directors will consider whether a need for the fund exists and will insure that adequate safeguards and accountability will exist to protect the fund.

3. Section 301.12 is revised to read as follows:

#### § 301.12 Supervisory committee audits.

(a) The supervisory committee of each Federal credit union shall make or cause to be made, as a minimum, two audits each calendar year. These audits shall be made as of the dates and in accordance with the standards outlined in the "Supervisory Committee Manual for Federal Credit Unions" (FCU-545). One audit shall be a comprehensive annual audit, covering the period elapsed since the last comprehensive annual audit. A report of this audit on Form FCU-701 shall be promptly made to the board of directors of the Federal credit union, and, upon request, to the Regional Representative. A summary of the report shall be made available to the members at the next annual meeting. A report of the second audit shall be promptly made to the board of directors on Form FCU-702, and, upon request, to the Regional Representative.

(b) The supervisory committee is responsible for the preparation and maintenance of work papers used in the audits. These work papers shall be made available by the committee for review by the Federal Credit Union Examiner during his supervisory examination.

(c) The supervisory committee shall conduct supplementary audits upon request of the Director. The committee also may conduct additional audits on its own initiative.

4. Paragraph (e) of § 301.20 is revised as follows:

#### § 301.20 Surety bond coverage for Federal credit unions.

(e) The schedule of coverage set forth in paragraph (f) of this section shall not be deemed to cover cash funds of \$1,000 or more. When the cash fund is \$1,000 or more, additional coverage—to the full amount of the fund—will be required.

5. In § 301.21, subparagraph (d)(3) is amended and paragraphs (f) and (g) are added as follows:

#### § 301.21 Payment or amortization of loans.

(d) Notwithstanding the provisions of subparagraph (1) of this paragraph, and to the extent that the board of directors by resolution approves, loans for the pur-



pose of higher education and vocational education of the member-borrower may be made within maturities permitted by the Act and on such terms of payment or amortization as the credit committee, or a duly authorized and appointed loan officer, finds consonant with the needs of the member-borrower and the best interests of the credit union.

(f) A secured loan is one secured by collateral or the endorsement of a person on behalf of the borrower which will serve as a source of recovery in the event of default by the borrower. The files of each Federal credit union shall contain evidence of the value of the security pledged—if collateral—or evidence of the financial responsibility of the endorser for each secured loan.

(g) Secured loans made for periods in excess of 5 years but not exceeding 10 years shall not be made for normal consumer-type purchases and expenditures. Examples of extraordinary purposes for which loans with maturities in excess of 5 years but not exceeding 10 years may be granted include home improvements, the purchase of mobile and seasonal homes, vocational and higher education, and other similar large-cost undertakings. In general, the terms, maturities, and conditions of secured loans made by a Federal credit union for longer than 5 years shall be in accord with the prevailing lending practices (with respect to the purposes of the loans) in the area being served by the credit union.

6. At the end of § 301.28, two new sections are added as follows:

**§ 301.29 Purchase of notes of a liquidating credit union.**

(a) The board of directors of a Federal credit union may authorize the purchase of notes made by individual members of a liquidating credit union at such prices as may be agreed upon by the board of directors of the purchasing Federal credit union and by the board of directors of the liquidating credit union or its delegatee, subject to a limitation of 5 percent of the unimpaired capital and surplus of the purchasing Federal credit union.

(b) The purchases shall be subject to the following conditions.

(1) In order to assure proper continuance of services to its members, the board of directors shall determine that the funds to be used by the purchasing Federal credit union are surplus to the anticipated needs of its members for loans and share withdrawals.

(2) The combined balances of the regular reserve and the special reserve for delinquent loans (if any) of the purchasing Federal credit union shall be in an amount at least equal to the regular and special reserves required by § 302.3 of this chapter.

(3) In order to assure efficient and economical servicing of the notes purchased (including payment and collection), the

individuals whose notes are purchased shall have a reasonably close geographical, residential, or employment, or other reasonably close, relationship with the purchasing Federal credit union.

(4) The notes of liquidating credit unions purchased shall not exceed the limitations of the Federal Credit Union Act with respect to security and maturity requirements for Federal credit unions.

(5) The purchase and collection of notes of liquidating credit unions shall be accounted for in the manner prescribed by the "Accounting Manual for Federal Credit Unions."

(c) The purchase of notes of individual members of a liquidating credit union may be by individual or by block selection and may be in participation with other credit unions in the purchase of an undivided interest subject, however, to a limitation of 5 percent of the unimpaired capital and surplus of the purchasing Federal credit union and the conditions and limitations of this section.

**§ 301.30 Safe deposit box service.**

(a) A Federal credit union may lease safe deposit boxes to its members and may charge a fee which does not exceed the direct and indirect costs incident to providing this service.

(b) The safe deposit boxes will be located in a vault on the premises where the credit union maintains an office for the transaction of business with its members. Such vault will be used exclusively for the safe deposit box rental service. Space will be provided whereby the tenants or deputies, if any, can have access to the contents of their specific safe deposit boxes in private. The vault and safe deposit boxes shall meet the minimum construction standards specified by the insurance company writing the liability insurance mentioned in subparagraph (c) (6) of this section.

(c) Adequate records and safeguards will be maintained for the proper protection of both the Federal credit union and the members utilizing the service. Among such records and safeguards will be:

(1) The lease of a safe deposit box shall be in writing and among other provisions shall provide for the signatures of the tenants and their deputies, if any, who are to have access to the safe deposit box.

(2) The lease shall also specify the maximum amount of damages of the tenant for which the landlord (credit union) might be legally liable.

(3) A written record will be maintained which will show the time and date of entry and the signature of the authorized person (tenant or deputy) each time access is made to a safe deposit box.

(4) Two different types of keys will be used to open each safe deposit box. One type of key will be retained by the landlord (credit union) and the other type by the tenant or his deputy, if any.

(5) Tenants or deputies will not be permitted to enter the safe deposit vault

unless they are accompanied by a vault attendant employee of the landlord (credit union) who will participate in opening the safe deposit box by utilization of the key retained by the landlord (credit union).

(6) The Federal credit union, to the extent necessary in addition to its regular surety bond coverage required by § 301.20, will carry insurance which will:

(i) Fully protect the credit union against any and all legal liabilities pertaining to the rental of safe deposit boxes and in an amount at least equal to the total maximum amount of damages which might be incurred under all the safe deposit box leases currently in effect, and (ii) fully protect the tenant from loss not covered by legal liability of the landlord (credit union) in an amount at least equal to the maximum legal liability of the landlord (credit union) as specified in the lease.

7. Paragraph (a) of § 307.3 is amended as follows:

**§ 307.3 Information required with preliminary application.**

(a) \* \* \* (2) a list of all outstanding unsecured loans with unpaid balances in excess of the ceilings provided by section 15 of the Act; (3) a list of all outstanding loans with maturities in excess of 5 years (for unsecured loans) and 10 years (for secured loans); \* \* \*

8. Part 350—Credit Unions Chartered by the District of Columbia, and all references thereto, are hereby deleted from the Code of Federal Regulations.

[F.R. Doc. 68-14964; Filed, Dec. 13, 1968; 8:49 a.m.]

## CIVIL AERONAUTICS BOARD

[ 14 CFR Part 298 ]

[Docket No. 20475; EDR-152A]

### CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

#### Interairport Air Taxi Service in Washington/Baltimore Area; Supplemental Notice

DECEMBER 10, 1968.

The Board by circulation of notice of proposed rule making EDR-152, dated November 18, 1968, and publication at 33 F.R. 17317, gave notice that it had under consideration amendment to Part 298 to permit interairport air taxi service in the Washington-Baltimore area between points between which a certificated helicopter carrier provides regular service. Interested persons were invited to participate in the proceeding by submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before December 11, 1968.



Counsel for Washington Airways, Inc., state that an extension of time to December 20, 1968, is needed to prepare their proposed comments due to the interruption in business operations occasioned by the Thanksgiving holiday period, which prevented consideration of the proposed rule by the corporation board of directors until December 6, 1968.

The undersigned finds that good cause has been shown for extension of time to Friday, December 20, 1968. Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for submitting comments to December 20, 1968.

All relevant communications received on or before December 20, 1968, will be considered by the Board before taking action on the proposed rules. Copies of these communications will be available for examination in the Docket Section, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,  
Associate General Counsel,  
Rules and Rates Division.

[F.R. Doc. 68-14937; Filed, Dec. 13, 1968;  
8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

[ 49 CFR Part 1056 ]

### MOTOR CARRIERS OF HOUSEHOLD GOODS

#### Notice of Issuance of Examiner's Recommended Report and Order; Stay of Effective Date

DECEMBER 11, 1968.

In the Matter of Amendment of § 276.4<sup>1</sup> General Rules and Regulations of Motor Carriers of Household Goods.

On October 8, 1968, the recommended report and order of the Examiner in this rulemaking proceeding was served. Notice of the issuance of the Examiner's recommended report and order was also published on page 15030 of the October 8, 1968, issue of the FEDERAL REGISTER.

Exceptions having been timely filed to the Examiner's recommended report and order, the effective date is stayed until further notice. Replies to exceptions are due December 26, 1968.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 68-14945; Filed, Dec. 13, 1968;  
8:47 a.m.]

<sup>1</sup> Renumbered as § 1056.4.



# Notices

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[Order No. 42 (Rev. 1)]

### FIXING PERIOD OF LIMITATIONS ON ASSESSMENT OR COLLECTION

#### Delegation of Authority To Execute Consents

Authority to execute consents fixing the period of limitations on assessment or collection under provisions of the 1939 and 1954 Internal Revenue Codes.

1. Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 120, dated July 31, 1950; Order No. 150-2, dated May 15, 1952; 26 CFR 301.6501 (c)-1; 26 CFR 301.6502-1; and 26 CFR 301.7701-9; I hereby delegate authority to sign all consents fixing the period of limitations on assessment or collection to the following officials:

- Director, Alcohol and Tobacco Tax Division.
- Assistant Regional Commissioners (Appellate).
- Assistant Regional Commissioners (Alcohol and Tobacco Tax).
- Service Center Directors.
- District Directors.
- Director of International Operations.

2. This authority may be redelegated but not below the following level for each activity:

- Data Processing—Chief, Master File Accounts Section.
- Collection—Revenue Officer.
- Audit—Group Supervisor.
- Intelligence—Chief, Intelligence Division.
- Appellate—Appellate Conferee.
- Alcohol and Tobacco Tax—Branch Chief, National and Regional Offices.

3. This order supersedes Delegation Order No. 42, which was effective January 1, 1957.

Date of issuance: December 9, 1968.

Effective date: January 6, 1969.

[SEAL]

WILLIAM D. SMITH,  
Acting Commissioner.

[F.R. Doc. 68-14944; Filed, Dec. 13, 1968; 8:47 a.m.]

### Office of the Secretary

### COLOR TELEVISION PICTURE TUBES

#### Notice of Tentative Negative Determination

Information was received on September 26, 1967, that color television picture tubes manufactured by N. V. Philips Gloeilampenfabrieken, Inkoopcentrale, Eindhoven, Netherlands, were being sold at less than fair value within the mean-

ing of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.), (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of December 23, 1967, on page 20783.

I hereby make a tentative determination that color television picture tubes manufactured by N. V. Philips Gloeilampenfabrieken, Inkoopcentrale, Eindhoven, Netherlands, are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

*Statement of reasons on which this tentative determination is based.* Information gathered during the course of the investigation indicated that no relationship within the meaning of section 207 of the Antidumping Act (19 U.S.C. 166) existed between the exporter and the United States purchaser of the merchandise. Sales in the home market were insufficient to afford a proper basis of comparison. Comparison was therefore made between purchase price and weighted-average third country price of the merchandise. Purchase price was calculated by deducting ocean freight, insurance and inland charges incurred in the country of exportation from the c.i.f. price to the United States.

Weighted-average third country price was based on the delivered prices to purchasers in third countries. From these prices were deducted freight and insurance from the manufacturer to the purchaser in the third countries. Adjustment to this price was made for differences in packing cost on sales to these countries as compared to the cost of packing on shipments to the United States.

Comparison of the purchase price and the weighted-average third country price as calculated above revealed that prior to June 1, 1968, purchase price was less than the weighted-average third country price. Subsequent to that time, adjustments have been made both in prices to the United States and to third countries which eliminated the margin which previously existed. The manufacturer has provided assurances that no future sales will be made to the United States which are at less than fair value within the meaning of the Antidumping Act (19 U.S.C. 160 et seq.).

In accordance with § 53.33(b), Customs Regulations (19 CFR 53.33(b)) interested parties may present written views or arguments, or request in writing, that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 53.33 of the Customs Regulations (19 CFR 53.33).

[SEAL]

JOSEPH M. BOWMAN,  
Assistant Secretary of the Treasury.

DECEMBER 5, 1968.

[F.R. Doc. 68-14943; Filed, Dec. 13, 1968; 8:47 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### ALASKA

#### Notice of Application for Withdrawal of Unreserved Lands

Pursuant to the regulations in 43 CFR Subpart 2311, I hereby make application for withdrawal of all unreserved public lands in Alaska.

The information required by 43 CFR 2311.1-1 is as follows:

1. Applicant—Bureau of Indian Affairs, Washington, D.C. 20240.
2. Legal description—All unreserved public lands in Alaska. (See paragraph 8 regarding lands embraced in leases, licenses, permits or contracts issued pursuant to the Mineral Leasing Act or the Alaska Coal Leasing Act.)
3. Sections 1-3, Act of February 28, 1958 (72 Stat. 27), are not applicable.
4. Acreage—The gross acreage approximates 350,000,000 acres and the net public acreage approximates 262,000,000 acres.
5. Purpose—Protection of native Aleut, Eskimo, and Indian rights and interests in public lands of Alaska.
6. Contamination—No contamination will result from the withdrawal.
7. Period of withdrawal—The withdrawal, if approved, would expire at 12:00 p.m., A.S.T., December 31, 1970, unless sooner terminated by the Secretary of the Interior or act of the Congress.
8. Operation of the Public Land Laws and Regulations—The withdrawal, pursuant to the provisions of the Act of June 25, 1910 (36 Stat. 847, as amended, 43 U.S.C. 141-142), and subject to valid existing rights, would withdraw all unreserved public lands from selection, settlement, location, sale and entry under the public land laws, including the Alaska Statehood Act (72 Stat. 339), except that lands which on the date of publication of this application in the FEDERAL REGISTER are embraced in leases, licenses, permits or contracts issued pursuant to the Mineral Leasing Act of 1920 (41 Stat. 437, as amended, 30 U.S.C. 181 et seq.) or the Alaska Coal Leasing Act of 1914 (38 Stat. 741, as amended, 48 U.S.C. 432) would not become subject to this withdrawal so far as the State's



selection rights are concerned until January 4, 1969. From January 1, 1971, the State of Alaska would have a 120-day preferred right of selection as provided by section 6(g) of the Alaska Statehood Act.

9. Water—The applicant does not intend to acquire rights to the use of water.

10. Justification—Permitting public lands in Alaska to remain open to appropriation or selection under the general land laws will complicate the already complex problem of the rights of Alaska natives and the resolution of native claims. There is a basic conflict between State selections and native claims. Other forms of appropriation may likewise interfere with native and State's rights. Preservation of the status quo for 2 years should allow sufficient time for Congressional action or other resolution of these problems.

11. Authority for withdrawal—Authority of the President under Act of June 25, 1910 (36 Stat. 847, as amended, 43 U.S.C. 141-142), delegated to the Secretary of the Interior by Executive Order No. 10355 of May 23, 1952.

Unreserved public lands in Alaska are shown on the plats (maps) of the land offices. It is not practicable to show the lands in detail on smaller scale maps. Pursuant to 43 CFR 2311.1-2 and 43 CFR 2311.1-3, the noting of this application on the records of the land office and the publication thereof in the FEDERAL REGISTER will operate to segregate the lands from appropriation as set forth in paragraph numbered 8.

ROBERT L. BENNETT,  
*Commissioner of Indian Affairs.*

Approved: December 11, 1968.

STEWART L. UDALL,  
*Secretary of the Interior.*

[F.R. Doc. 68-14988; Filed, Dec. 13, 1968;  
8:49 a.m.]

## Bureau of Land Management

[New Mexico 4833]

### NEW MEXICO

#### Notice of Classification, Correction

DECEMBER 9, 1968.

The Notice of Classification published in the FEDERAL REGISTER of November 30, 1968 (33 F.R. 17856), as Document No. 68-14364 is corrected as follows:

1. Line 7 of the first paragraph, change McKinley County to Hidalgo and Valencia Counties.

2. Land description for T. 14 N., R. 8 W., is corrected as follows:

T. 14 N., R. 8 W.,

Sec. 4, lots 1, 2, 4, S½NE¼, E½SW¼, and SE¼;

Sec. 22, NE¼.

R. BUFFINGTON,  
*Acting State Director.*

[F.R. Doc. 68-14921; Filed, Dec. 13, 1968;  
8:45 a.m.]

## National Park Service GEORGE WASHINGTON MEMORIAL PARKWAY

### Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of Interior, through the Superintendent, George Washington Memorial Parkway, proposes to issue a concession permit to Julius W. Fletcher, an individual doing business under the name of Fletcher's Boathouse, authorizing him to provide accommodations, facilities, and services for the public at 4940 Canal Road NW., which lies between the Chesapeake & Ohio Canal and the Potomac River near the old Potomac Canal outlet, Washington, D.C., for a period of 5 years from January 1, 1969, through December 31, 1973.

The foregoing concessioner has performed his obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, George Washington Memorial Parkway, 1400 Wilson Boulevard, Suite 102, Arlington, Va. 22209, for information as to the requirements of the proposed permit.

Dated: November 25, 1968.

FLOYD B. TAYLOR,  
*Superintendent, George Washington Memorial Parkway.*

[F.R. Doc. 68-14940; Filed, Dec. 13, 1968;  
8:46 a.m.]

## Office of the Secretary

ELMER S. HALL

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of December 5, 1968.

Dated: December 5, 1968.

ELMER S. HALL.

[F.R. Doc. 68-14924; Filed, Dec. 13, 1968;  
8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 20012 etc.]

### ALLEGHENY AIRLINES, INC., ET AL.

#### Applications for Amendment of Certificates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 10th day of December 1968.

Application of Allegheny Airlines, Inc., Docket 20012, for amendment of its certificate of public convenience and necessity; applications of American Airlines, Inc., Docket 20042, Delta Air Lines, Inc., Docket 20297, United Air Lines, Inc., Docket 20126, under section 401 of the Federal Aviation Act of 1958, for amendment of certificate(s) of public convenience and necessity.

By Order 68-9-16, September 5, 1968, the Board ordered further proceedings pursuant to Subpart M of the Rules of Practice with respect to the application of Allegheny Airlines, Inc., for nonstop authority in the Dayton-New York and Indianapolis-New York markets.

Answers in support of competitive authorizations in one or both markets were filed by the Port of New York Authority, the Dayton Parties<sup>1</sup> and the Evansville Parties.<sup>2</sup> American Airlines, Inc., Delta Air Lines, Inc., and United Air Lines, Inc., each filed an answer supporting an award of competitive authority to itself. Trans World Airlines, Inc., filed an answer in opposition to any award of competitive authority. United, American, and TWA, the incumbent monopoly carrier, continue to oppose use of Subpart M procedures. United argues that service issues in the New York-Dayton market should be heard as part of Dayton-to-the-east-and-west service issues.

TWA contends that there is no need for a second carrier because existing services are adequate, additional frequencies will be added in the spring or summer of 1969, and an award to a second carrier would be inconsistent with efforts to reduce congestion.

Allegheny filed a consolidated reply to the carriers' answers. TWA filed a reply to the answer of the Port of New York Authority.

American and Delta filed motions to consolidate applications for nonstop authority in the same markets sought by Allegheny.<sup>3</sup> United filed a motion to consolidate its application<sup>4</sup> for Dayton-New York nonstop authority. Answers to these motions were filed by the Indianapolis

<sup>1</sup> City of Dayton, Ohio, and Dayton Area Chamber of Commerce.

<sup>2</sup> The Evansville-Vanderburgh Airport Authority District and the Evansville Chamber of Commerce filed a motion for leave to file an untimely answer. They note that the time for filing answers started and ended between the dates for meetings of the Chamber and that any Chamber statement requires formal action by its Board of Directors. We have decided to grant the motion.

<sup>3</sup> American, Docket 20042; Delta, Docket 20297.

<sup>4</sup> Docket 20126.



Parties,<sup>5</sup> the Dayton Parties, Allegheny, Delta, and TWA, but no party opposes the requested consolidations. Allegheny filed a reply to the answer of the Indianapolis Parties.

Upon consideration of the foregoing pleadings and all the relevant facts and circumstances, we find that a sufficient basis exists for setting Allegheny's application for hearing pursuant to the procedures of Subpart M. We will also grant the motions to consolidate of American, Delta, and United.

Accordingly, it is ordered:

1. That the application of Allegheny Airlines, Inc., Docket 20012, be and it hereby is set for hearing before an examiner of the Board at a time and place to be designated hereafter;

2. That the motions to consolidate applications of American Airlines, Inc. (Docket 20042), Delta Air Lines, Inc. (Docket 20297), and United Air Lines, Inc. (Docket 20126) be and they hereby are granted;

3. That the motion for leave to file an untimely document by the Evansville Parties be and it hereby is granted; and

4. That the Indianapolis Airport Authority and the Indianapolis Chamber of Commerce be and they hereby are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 68-14938; Filed, Dec. 13, 1968;  
8:46 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

### FEDERAL PERCENTAGES UNDER TITLE IV OF THE MENTAL RETARDATION FACILITIES AND COMMUNITY MENTAL HEALTH CENTERS CONSTRUCTION ACT OF 1963

Promulgation

Pursuant to section 401 (i) and (j) of Title IV of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (Public Law 88-164),

And having found that the three most recent consecutive years for which satisfactory data are available from the De-

<sup>5</sup> Indianapolis Airport Authority and Indianapolis Chamber of Commerce. The first pleading filed by the Indianapolis Parties was an Answer to Motions to Consolidate. Under Rule 1306(b), failure to file a timely answer to Allegheny's application would operate to preclude participation by Indianapolis in subsequent phases of the proceeding. However, as a city whose service is at issue, participation by Indianapolis is required for a complete record, and Allegheny does not oppose its participation.

partment of Commerce, as to the per capita incomes of States and of the United States, are the years 1965, 1966, and 1967.

The following Federal percentages for the several States, the District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands, as determined pursuant to said Act and on the basis of said income data, are hereby promulgated for 2 fiscal years in the period beginning July 1, 1969:

Alabama	65.47	New Mexico	60.20
Alaska	41.56	New York	40.60
Arizona	56.81	North Caro-	
Arkansas	68.46	lina	61.96
California	41.54	North Da-	
Colorado	50.69	kota	59.50
Connecticut	37.33	Ohio	48.58
Delaware	41.19	Oklahoma	58.39
Florida	55.34	Oregon	50.76
Georgia	60.20	Pennsylvania	49.78
Hawaii	47.69	Rhode Island	48.20
Idaho	58.44	South Caro-	
Illinois	40.41	lina	65.59
Indiana	48.82	South Da-	
Iowa	50.15	kota	59.12
Kansas	51.57	Tennessee	62.45
Kentucky	62.22	Texas	56.96
Louisiana	61.68	Utah	57.99
Maine	58.06	Vermont	55.88
Maryland	45.60	Virginia	55.93
Massachu-		Washington	45.48
setts	44.37	West Virginia	63.28
Michigan	45.35	Wisconsin	50.12
Minnesota	51.10	Wyoming	53.08
Mississippi	66%	District of Co-	
Missouri	52.44	lumbia	34.45
Montana	55.73	American	
Nebraska	51.26	Samoa	66%
Nevada	41.57	Guam	66%
New Hamp-		Puerto Rico	66%
shire	52.38	Virgin	
New Jersey	41.61	Islands	66%

WILBUR J. COHEN,  
Secretary of Health,  
Education, and Welfare.

DECEMBER 9, 1968.

[F.R. Doc. 68-14965; Filed, Dec. 13, 1968;  
8:49 a.m.]

## FEDERAL POWER COMMISSION

[Docket Nos. RP68-17, RP67-21]

### NATURAL GAS PIPELINE COMPANY OF AMERICA

#### Notice of Motion of Natural Gas Pipeline Company of America for Approval of Stipulation and Agreement

DECEMBER 11, 1968.

Notice is hereby given that Natural Gas Pipeline Company of America (Natural), filed on December 5, 1968, a motion "For Approval of Stipulation and Agreement" in the proceedings in Docket Nos. RP68-17 and RP67-21.

The Stipulation and Agreement resolves all issues in the aforementioned proceedings other than the issue of the elimination or reduction of the minimum bill in the Public Law-1 Rate Schedule. Generally, the Stipulation and Agreement provides for specified reduced rates as of December 1, 1968, contingent re-

funds and/or rate reductions, and that Natural will not file for a general rate change prior to May 30, 1969.

Comments or objections relating to the proposed Stipulation and Agreement may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before December 27, 1968.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 68-14939; Filed, Dec. 13, 1968;  
8:46 a.m.]

[Docket Nos. RI69-285, etc.]

### SUNRAY DX OIL CO., ET AL.

#### Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund<sup>1</sup>

DECEMBER 6, 1968.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule in-

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.



volved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended sup-

plements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington,

D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 22, 1969.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Secretary.

#### APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI69-285..	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102, Attn: Homer E. McEwen, Jr., Esq.	109	6	El Paso Natural Gas Co. (Gallegos Canyon Field, San Juan County, N. Mex.) (San Juan Basin Area).	\$1,582	10-21-68	2-1-1-69	2-1-2-69	12.2309	13.2501	RI64-381.
RI69-286..	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221, Attn: Richard M. Young, Esq.	249	6	El Paso Natural Gas Co. (Fulcher-Kutz Field, San Juan County, N. Mex.) (San Juan Basin).	60	11-15-68	2-1-1-69	2-1-2-69	12.0509	13.2501	
	do.	251	9	do.	8	11-15-68	2-1-1-69	2-1-2-69	12.0509	13.2501	
RI69-287..	Pan American Petroleum Corp. (Operator), et al., Security Life Bldg., Denver, Colo. 80202, Attn: Frank H. Houck, Esq.	163	19	El Paso Natural Gas Co. (West Kutz Pictured Cliff Field, San Juan County, N. Mex.) (San Juan Basin Area).	4	11-14-68	2-12-15-68	2-12-16-68	12.0	12.2309	

\* The stated effective date is the effective date requested by Respondent.

\* The suspension period is limited to 1 day.

\* Periodic rate increase.

\* Pressure base is 15.025 p.s.i.a.

\* Includes partial reimbursement for full 2.55 percent New Mexico Emergency

School Tax and 0.015 percent increase in New Mexico Conservation Tax.

\* Includes partial reimbursement for 0.55 percent New Mexico Emergency School Tax and 0.015 percent increase in New Mexico Conservation Tax.

\* Tax reimbursement increase.

\* Applicable only to acreage added by Supplement No. 18.

Sunray DX Oil Co. (Sunray) and Atlantic Richfield Co.'s (Atlantic) proposed rate increases reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2 percent to 2.55 percent on April 1, 1963, and the 0.015 percent increase in New Mexico Conservation Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, has filed a protest to Atlantic's rate increases and is expected to file a protest to Sunray's rate filing. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearings herein shall concern themselves with the contractual basis for the rate filings, as well as the statutory lawfulness of Sunray and Atlantic's proposed increased rates and charges. Since the proposed increases exceed the 13 cents per Mcf increased rate ceiling for the San Juan Basin Area only by the amount of such tax reimbursement, we conclude that the suspension periods may be shortened to one day from January 1, 1969, the proposed effective date.

The rate increase filed by Pan American Petroleum Corp. (Operator), et al. (Pan American), reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. Although the proposed rate does not exceed the applicable area increased rate ceiling of 13 cents per Mcf for the San Juan Basin Area, it is suspended because the buyer, El Paso, in accordance with its policy of protesting all tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to this rate increase for the

reason set forth above with respect to Sunray and Atlantic's rate filings. In view of the contractual problem presented, we are suspending herein Pan American's proposed rate increase even though it is not in excess of the applicable increased rate ceiling. Since the proposed rate increase reflects tax reimbursement only, the suspension period may be shortened to one day from December 15, 1968, the proposed effective date.

[F.R. Doc. 68-14916; Filed, Dec. 13, 1968; 8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

### DUMONT CORP.

#### Order Suspending Trading

DECEMBER 10, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class A and Class B Common Stock of Dumont Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 11, 1968, through December 20, 1968, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 68-14927; Filed, Dec. 13, 1968; 8:46 a.m.]

## MAJESTIC CAPITAL CORP.

### Order Suspending Trading

DECEMBER 10, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Majestic Capital Corp., Encino, Calif. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for a period December 11, 1968, through December 20, 1968, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 68-14928; Filed, Dec. 13, 1968; 8:46 a.m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

#### CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended,



20 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below \$1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below \$1 an hour in the base period.

Angeli's Super Valu, food store; 318 West Adams Street, Iron River, Mich.; 9-3-68 to 9-2-69.

Ann & Hope Factory Outlet, Inc., department store; Mill Street, Cumberland, R.I.; 9-18-68 to 9-17-69.

Auerbach's L. R. Samuels, apparel store; 2457 Washington Boulevard, Ogden, Utah; 9-3-68 to 9-2-69.

Big Apple Supermarket, food stores from 9-3-68 to 9-2-69; Nos. 2 and 3, Reidsville, N.C.

Buehler Market, food store; 2315 "N" Street, Omaha, Neb.; 9-3-68 to 9-2-69.

Buy Rite, Inc., food store; 308 South Silver, Paola, Kans.; 9-3-68 to 9-2-69.

Cannata's Super Market, Inc., food store; 813 Brashear Avenue, Morgan City, La.; 9-3-68 to 9-2-69.

Cat & Fiddle Super Markets, food store; Riverside Drive, Danville, Va.; 9-3-68 to 9-2-69.

Center's Discount Store, variety store; 80 Railroad Street, St. Johnsbury, Vt.; 9-18-68 to 9-17-69.

The Dixie Store, department store; 415-17 Chickasha Avenue, Chickasha, Okla.; 8-23-68 to 8-22-69.

Eagle Stores Co., Inc., variety stores: No. 13, Asheboro, N.C., 9-15-68 to 9-14-69; No. 3, Lincolnton, N.C., 9-10-68 to 9-9-69; 1-11 West Main Street, Martinsville, Va., 9-3-68 to 9-2-69.

Eureka Farm, agriculture; Wilson, Ark.; 8-26-68 to 8-25-69.

Glosser Bros., Inc., department store; Franklin and Locust Streets, Johnstown, Pa.; 9-14-68 to 9-13-69.

W. T. Grant Co., variety stores from 9-3-68 to 9-2-69 except as otherwise indicated: No. 849, Jacksonville, Fla.; No. 70, Atlanta, Ga.; No. 683, Zion, Ill. (9-18-68 to 9-17-69); No. 89, Lawrence, Mass.; No. 18, Kalamazoo, Mich.; No. 253, Dover, N.J. (9-1-68 to 8-31-69); No. 793, Hazlet, N.J. (9-14-68 to 9-13-69); No. 853, Middlesex, N.J. (9-1-68 to 8-31-69); No. 724, Parsippany, N.J. (9-1-68 to 8-31-69); No. 173, Paterson, N.J.; No. 393, Roselle, N.J. (9-1-68 to 8-31-69); No. 770, Altoona, Pa.; No. 463, Bridgeville, Pa. (9-15-68 to 9-14-69); No. 187, Lansdale, Pa. (9-18-68 to 9-17-69); No. 573, Mount Pleasant, Pa.; No. 555, Phoenixville, Pa. (9-7-68 to 9-6-69); Nos. 466 and 803, Pittsburgh, Pa.; No. 841, Pittsburgh, Pa. (9-16-68 to 9-15-69); Nos. 28 and 747, Reading, Pa.; No. 154, Sunbury, Pa.; No. 659, Knoxville, Tenn. (9-1-68 to 8-31-69); No. 589, Newport, Vt.; No. 241, St. Johnsbury, Vt.; No. 356, Clarksburg, W. Va.

(9-1-68 to 8-31-69); No. 519, Appleton, Wis. R. Guinan & Co., department store; 117 South Oak Street, Mt. Carmel, Pa.; 9-3-68 to 9-2-69.

H. E. B. Food Store, food stores from 9-3-68 to 9-2-69: Nos. 21 and 23, Corpus Christi, Tex.; No. 22, Robstown, Tex.; No. 54, Waco, Tex.

Husted Stores Co., variety store; No. 715, Norfolk, Neb.; 9-3-68 to 9-2-69.

Highland Farm, agriculture; Wilson, Ark.; 8-26-68 to 8-25-69.

Hoffman's, Inc., apparel store; 200 Union Street, Lynn, Mass.; 9-3-68 to 9-2-69.

Thomas Kilpatrick & Co., department stores from 9-3-68 to 9-2-69: 15th and Douglas Street, Omaha, Neb.; 42nd and Center Streets, Omaha, Neb.

S. S. Kresge Co., variety stores from 9-3-68 to 9-2-69 except as otherwise indicated: No. 66, Bridgeport, Conn.; No. 4526, Hartford, Conn.; No. 4608, Meriden, Conn.; No. 33, New Haven, Conn.; Nos. 291 and 651, New London, Conn.; No. 590, Waterbury, Conn.; No. 358, Wilmington, Del.; No. 728, Bradenton, Fla.; No. 742, St. Petersburg, Fla.; No. 94, Bridgeview, Ill.; No. 4606, Cedar Rapids, Iowa; No. 127, Leavenworth, Kans.; No. 197, Salina, Kans.; No. 697, Wichita, Kans.; No. 56, Louisville, Ky.; Nos. 385, 457, and 624, Louisville, Ky. (9-1-68 to 8-31-69); No. 112, Paducah, Ky. (9-1-68 to 8-31-69); Nos. 20, 285, 348, and 616, Baltimore, Md.; No. 576, Baltimore, Md. (9-18-68 to 9-17-69); No. 209, Dundalk, Md.; No. 341, Forrestville, Md.; No. 698, Glen Burnie, Md.; No. 695, Hagerstown, Md.; No. 691, Rockville, Md. (9-7-68 to 9-6-69); No. 165, Boston, Mass. (9-16-68 to 9-2-69); Nos. 409 and 532, Boston, Mass.; No. 63, Brockton, Mass.; No. 653, Cambridge, Mass. (9-13-68 to 9-2-69); No. 4581, Fitchburg, Mass. (9-16-68 to 9-2-69); No. 294, Lynn, Mass.; No. 470, Peabody, Mass.; No. 255, Quincy, Mass. (9-12-68 to 9-2-69); No. 683, St. Paul, Minn.; No. 109, Lincoln, Neb.; No. 326, Omaha, Neb.; No. 4615, Bayonne, N.J.; No. 573, Haddonfield, N.J.; No. 4621, Jersey City, N.J.; No. 392, Montclair, N.J. (9-3-68 to 6-22-69); No. 608, Morristown, N.J.; No. 80, Paramus, N.J. (9-3-68 to 6-22-69); No. 221, Parlin, N.J. (9-3-68 to 6-22-69); No. 260, Passaic, N.J. (9-3-68 to 6-30-69); No. 75, Plainfield, N.J.; No. 23, Princeton, N.J. (9-3-68 to 6-22-69); No. 65, Trenton, N.J. (9-5-68 to 6-22-69); No. 4501, Alliance, Ohio; No. 658, Barberton, Ohio (9-16-68 to 9-15-69); No. 586, Cambridge, Ohio; Nos. 118, 298, and 459, Cleveland, Ohio; No. 240, Cleveland, Ohio (9-19-68 to 9-18-69); No. 4567, Cleveland, Ohio (9-16-68 to 9-15-69); No. 631, Dayton, Ohio; Nos. 144 and 4597, Maple Heights, Ohio; No. 362, Marion, Ohio (9-19-68 to 9-18-69); No. 203, Milford, Ohio; No. 410, Painesville, Ohio; No. 676, Parma, Ohio; No. 488, Piqua, Ohio; No. 458, Steubenville, Ohio; No. 646, Toledo, Ohio (9-8-68 to 9-7-69); No. 874, Warren, Ohio; No. 595, Youngstown, Ohio; No. 284, Altoona, Pa.; No. 639, Baden, Pa.; No. 302, Bridgeville, Pa.; No. 309, Camp Hill, Pa.; No. 76, Erie, Pa.; No. 460, Harrisburg, Pa. (9-10-68 to 9-9-69); No. 143, Hazleton, Pa.; No. 64, Lancaster, Pa.; No. 543, Monroeville, Pa. (9-13-68 to 9-12-69); No. 200, Morrisville, Pa. (9-12-68 to 9-11-69); No. 378, Oil City, Pa. (9-16-68 to 9-15-69); Nos. 191, 327, 438, 545, and 4513, Philadelphia, Pa.; No. 53, Pittsburgh, Pa.; No. 182, Pittsburgh, Pa. (9-9-68 to 9-8-69); No. 18, Reading, Pa. (9-10-68 to 9-9-69); No. 4504, Reading, Pa. (9-16-68 to 9-15-69); No. 475, Uniontown, Pa.; No. 671, Rapid City, S. Dak.; No. 738, Chattanooga, Tenn. (9-1-68 to 8-31-69); No. 739, Irving, Tex.; No. 342, Danville, Va. (9-1-68 to 8-31-69); No. 660, Norfolk, Va. (9-1-68 to 8-31-69); No. 425, Bluefield, W. Va. (9-1-68 to 8-31-69); No. 391, Charleston, W. Va. (9-1-68 to 8-31-69); No. 86, Racine, Wis.

S. H. Kress and Co., variety stores from 9-3-68 to 9-2-69 except as otherwise indicated: 97 East Congress Street, Tucson, Ariz.; 546 Main Street, Grand Junction, Colo.; 6108 14th Street West, Bradenton, Fla.; 64 East Flagler Street, Miami, Fla.; 811 Franklin Street, Tampa, Fla.; 832 Broad Street, Augusta, Ga.; 15 South Main Street, Fort Scott, Kans.; 111 North Main Street, Hutchinson, Kans.; 7 South Jefferson Street, Iola, Kans.; 617 North Broadway, Pittsburg, Kans.; 2214 Fifth Avenue, Meridian, Miss.; 580 Central Avenue, East Orange, N.J.; 300 South Main Street, Salisbury, N.C.; 109-113 North Second Street, Muskogee, Okla.; 218 West Main Street, Oklahoma City, Okla. (9-18-68 to 9-17-69); 1031 East Elizabeth Street, Brownsville, Tex.; 124 East Jackson Street, Harlingen, Tex.; 101 North Flores Street, San Antonio, Tex.; 315 East Houston Street, San Antonio, Tex.; 105 West Center Street, Provo, Utah; 29 West Campbell Avenue, Roanoke, Va. (9-1-68 to 8-31-69); 160 Main Street, Warrenton, Va. (9-1-68 to 8-31-69).

Marie Farm, agriculture; Wilson, Ark.; 9-11-68 to 8-10-69.

The Mart, Inc., apparel store; 180 Main Street, Paterson, N.J.; 9-1-68 to 8-31-69.

McCrory-McLellan-Green Stores, variety stores from 9-3-68 to 9-2-69 except as otherwise indicated: No. 509, Little Rock, Ark.; No. 1119, Bridgeport, Conn.; No. 649, Westport, Conn. (9-6-68 to 9-5-69); No. 676, Pekin, Ill.; No. 569, Fort Dodge, Iowa; No. 1081, Keokuk, Iowa (9-9-68 to 9-8-69); No. 560, Mason City, Iowa; No. 470, Topeka, Kans.; No. 315, Baton Rouge, La.; No. 298, Lafayette, La.; No. 229, New Orleans, La. (9-3-68 to 8-2-69); No. 1312, New Orleans, La.; No. 620, Waterville, Maine; No. 631, Boston, Mass.; No. 684, Lynn, Mass.; No. 556, Alpena, Mich.; No. 668, Grand Haven, Mich.; No. 541, Petoskey, Mich.; No. 506, Ypsilanti, Mich. (9-11-68 to 9-10-69); No. 1032, Asbury Park, N.J. (9-6-68 to 7-29-69); No. 91, Burlington, N.J. (9-20-68 to 7-30-69); No. 168, Camden, N.J. (9-3-68 to 7-29-69); No. 308, Clifton, N.J.; No. 1025, Elizabeth, N.J. (9-3-68 to 7-31-69); No. 1152, Irvington, N.J. (9-6-68 to 7-28-69); No. 272, Jersey City, N.J. (9-3-68 to 7-29-69); No. 1034, Manasquan, N.J. (9-7-68 to 7-29-69); No. 251, Newark, N.J. (9-3-68 to 7-29-69); No. 1085, Newark, N.J. (9-6-68 to 7-29-69); No. 240, Orange, N.J. (9-3-68 to 7-29-69); No. 131, Passaic, N.J. (9-3-68 to 7-31-69); No. 1006, Plainfield, N.J. (8-28-68 to 8-27-69); No. 301, Union, N.J. (9-3-68 to 7-29-69); No. 542, Albuquerque, N. Mex. (9-13-68 to 9-12-69); No. 565, Albuquerque, N. Mex. (9-12-68 to 9-11-69); No. 566, Farmington, N. Mex. (9-20-68 to 9-19-69); No. 485, Hobbs, N. Mex.; No. 597, Lawton, Okla.; No. 1083, Oklahoma City, Okla.; No. 633, Pryor, Okla.; No. 8, Allentown, Pa.; No. 9, Altoona, Pa.; No. 151, Barnesboro, Pa. (9-9-68 to 9-8-69); No. 155, Cannonsburg, Pa.; No. 45, Chambersburg, Pa.; No. 1116, Chester, Pa. (9-5-68 to 9-4-69); No. 220, Connellsville, Pa.; No. 87, Dubois, Pa.; No. 147, Ebensburg, Pa. (9-10-68 to 9-9-69); No. 39, Hanover, Pa.; No. 1122, Hollidaysburg, Pa. (9-5-68 to 9-4-69); No. 51, Indiana, Pa.; No. 80, Lancaster, Pa.; No. 1066, Lancaster, Pa. (9-12-68 to 9-11-69); No. 42, Lebanon, Pa.; No. 1046, Lebanon, Pa. (9-5-68 to 9-4-69); No. 273, Lewistown, Pa.; No. 1029, McKeesport, Pa. (9-5-68 to 9-4-69); No. 326, North York, Pa.; Nos. 63 and 201, Philadelphia, Pa.; No. 104, Phillipsburg, Pa.; No. 53, Pittsburgh, Pa. (9-5-68 to 9-4-69); No. 334, Reading, Pa.; No. 85, Waynesboro, Pa.; No. 14, York, Pa.; No. 317, York, Pa. (9-14-68 to 9-13-69); No. 164, Aiken, S.C.; No. 1103, Charleston, S.C.; No. 161, Chester, S.C. (9-18-68 to 9-17-69); No. 1104, Columbia, S.C.; No. 1108, Greenville, S.C.; No. 1136, Spartanburg, S.C.; No. 415, Sumter, S.C.; No. 322, Oak Cliff, Tex.; No. 13, Charleston, W. Va.; No. 1133, Charleston, W. Va. (9-1-68 to 8-31-69); No. 214, Clarksburg, W. Va.; No. 32, Fairmont, W. Va. (9-1-68 to 8-31-69); No. 40, Grafton, W. Va.



(9-1-68 to 8-31-69; Nos. 15 and 1131, Huntington, W. Va.; No. 83, Martinsburg, W. Va.; No. 33, Morgantown, W. Va.; No. 578, Marinette, Wis.; No. 454, Marshfield, Wis. (9-8-68 to 9-7-69); No. 694, Oconomowoc, Wis.

Meyer Brothers, department store; 181 Main Street, Paterson, N.J.; 9-1-68 to 8-31-69.

Morgan & Lindsey, Inc., variety stores from 9-3-68 to 8-2-69 except as otherwise indicated: No. 3090, Arabi, La.; No. 3065, Baton Rouge, La.; No. 3083, Morgan City, La.; Nos. 3057 and 3068, New Orleans, La.; No. 3019, Ruston, La.; No. 3086, Sulphur, La.; No. 3050, West Monroe, La.; No. 3058, Beaumont, Tex. (9-16-68 to 9-15-69).

G. C. Murphy Co., variety stores from 9-3-68 to 9-2-69 except as otherwise indicated: No. 250, Rome, Ga.; No. 102, Tifton, Ga.; No. 17, Ashland, Ky.; No. 239, Louisville, Ky.; No. 111, Maysville, Ky.; No. 117, Aliquippa, Pa.; No. 27, Ambridge, Pa.; No. 188, Barnesboro, Pa.; No. 68, Beaver, Pa.; No. 32, Beaver Falls, Pa.; No. 30, Bedford, Pa.; No. 144, Bellefonte, Pa.; No. 115, Bellevue, Pa.; No. 178, Brookville, Pa.; No. 30, Brownsville, Pa.; No. 160, Burgettstown, Pa.; No. 92, Butler, Pa.; No. 55, California, Pa.; No. 54, Carnegie, Pa.; No. 11, Charleroi, Pa.; No. 88, Clairton, Pa.; No. 66, Clarion, Pa.; No. 158, Clearfield, Pa.; No. 201, Connellsville, Pa.; No. 169, Corry, Pa.; No. 46, Elizabeth, Pa.; Nos. 175 and 225, Erie, Pa.; No. 124, Everett, Pa.; No. 58, Farrell, Pa.; No. 44, Ford City, Pa.; No. 184, Franklin, Pa.; No. 129, Gettysburg, Pa.; No. 3, Greensburg, Pa.; No. 43, Greenville, Pa.; No. 13, Grove City, Pa.; No. 28, Hanover, Pa.; No. 165, Harrisburg, Pa.; No. 211, Hollidaysburg, Pa.; No. 143, Huntingdon, Pa.; No. 126, Indiana, Pa.; No. 23, Irwin, Pa.; No. 45, Jeanette, Pa.; No. 9, Kittanning, Pa.; No. 6, Latrobe, Pa.; No. 232, Lemoyne, Pa.; No. 59, Lewistown, Pa.; No. 116, Ligonier, Pa.; No. 202, McDonald, Pa.; No. 1, McKeesport, Pa.; No. 16, Meadville, Pa.; No. 70, Mechanicsburg, Pa.; No. 108, Mercer, Pa. (9-13-68 to 9-12-69); No. 186, Meyersdale, Pa.; No. 84, Midland, Pa.; No. 31, Monessen, Pa.; No. 146, Mount Union, Pa.; No. 233, Natrona Heights, Pa.; No. 48, New Bethlehem, Pa.; No. 106, New Castle, Pa.; No. 4, New Kensington, Pa.; No. 157, North East, Pa.; Nos. 12, 29, 57, 61, 83, 163, 170, 206, 221, 237, and 258, Pittsburgh, Pa.; No. 183, Punxsutawney, Pa.; No. 127, Red Lion, Pa.; No. 247, Ridgway, Pa.; No. 7, Rochester, Pa.; No. 85, St. Marys, Pa.; No. 128, Sharon, Pa.; No. 118, Shippensburg, Pa.; No. 145, State College, Pa.; No. 64, Tarentum, Pa.; No. 73, Titusville, Pa.; No. 164, Uniontown, Pa.; No. 159, Vandergrift, Pa.; No. 60, Warren, Pa.; No. 155, Washington, Pa.; No. 177, Waynesburg, Pa.; No. 47, West Newton, Pa.; No. 39, Wilkinsburg, Pa.; No. 205, York, Pa.; No. 209, East Rainelle, W. Va.; No. 172, Fairmont, W. Va.; No. 137, Hinton, W. Va.; No. 194, Logan, W. Va.; No. 185, Philippi, W. Va.; No. 19, Sistersville, W. Va.; No. 133, Welch, W. Va.; No. 14, Wellsburg, W. Va.

Neisner Brothers, Inc., variety stores from 9-3-68 to 9-2-69: Nos. 32, 42, 43, 63, and 82, Detroit, Mich.; No. 58, Escanaba, Mich.; No. 13, Hamtramck, Mich.; No. 62, Highland Park, Mich.; No. 101, Lincoln Park, Mich.; No. 17, Pontiac, Mich.; No. 107, Royal Oak, Mich.; No. 73, Wyandotte, Mich.; No. 59, St. Louis, Mo.; No. 70, Omaha, Nebr.; No. 127, East Paterson, N.J.; No. 149, Middletown, N.J.; No. 163, Paramus, N.J.

J. J. Newberry Co., variety stores from 9-3-68 to 9-2-69 except as otherwise indicated: No. 254, Harlan, Ky. (9-1-68 to 8-31-69); No. 197, Somerset, Ky. (9-1-68 to 8-31-69); No. 417, Ellsworth, Maine; No. 264, Farmington, Maine; No. 311, Madawaska, Maine (9-6-68 to 9-2-69); No. 351, Norway, Maine (9-9-68 to 9-2-69); No. 238, Rockland, Maine; No. 154, Elkton, Md.; No. 31, Hagerstown, Md.; No. 67, Northampton, Mass.; No.

360, Alma, Mich. (9-12-68 to 9-11-69); No. 452, Ishpeming, Mich.; No. 394, Columbia, Mo. (9-13-68 to 9-12-69); No. 253, Laconia, N.H. (9-13-68 to 9-2-69); No. 104, Asbury Park, N.J. (9-3-68 to 7-30-69); No. 36, Dover, N.J. (9-3-68 to 7-30-69); No. 107, Freehold, N.J.; No. 487, Red Bank, N.J. (9-3-68 to 7-30-69); No. 190, Springfield, N.J. (9-17-68 to 7-30-69); No. 187, Vineland, N.J.; No. 71, Tiffin, Ohio; No. 204, Berwick, Pa.; No. 9, Chambersburg, Pa.; No. 226, Kennett Square, Pa. (9-13-68 to 9-12-69); No. 127, Lewisburg, Pa.; No. 106, Lock Haven, Pa.; No. 129, Milton, Pa.; No. 5, Shamokin, Pa. (9-11-68 to 9-10-69); No. 1, Stroudsburg, Pa.; No. 90, Sunbury, Pa.; No. 34, Waynesboro, Pa.; No. 95, West Warwick, R.I.; No. 278, Huron, S. Dak.; No. 202, El Paso, Tex. (9-8-68 to 9-7-69); No. 91, Barre, Vt.; No. 475, White River Junction, Vt.; No. 169, Fredericksburg, Va. (9-1-68 to 8-31-69); No. 467, Front Royal, Va. (9-1-68 to 8-31-69); No. 229, Salem, Va. (9-1-68 to 8-31-69); No. 435, Waynesboro, Va. (9-1-68 to 8-31-69); No. 261, Winchester, Va. (9-1-68 to 8-31-69).

Norby's of Grand Forks, Inc., department store; 402 Demers Avenue, Grand Forks, N. Dak.; 9-3-68 to 9-2-69.

Olson Supermarket, food stores from 9-3-68 to 9-2-69: 1406 West Main Street, Chanute, Kans.; 525 West State Street, Erie, Kans.; 3209 Main Street, Parsons, Kans.

The Outlet Co., department store; 176 Weybosset Street, Providence, R.I.; 9-3-68 to 9-2-69.

Rose's Stores, Inc., variety stores from 9-3-68 to 9-2-69: No. 102, Warner Robins, Ga.; No. 135, Somerset, Ky.

Rusty's Food Centers, Inc., food store; 9th and Iowa, Lawrence, Kans.; 9-3-68 to 9-2-69.

Scott Store, variety store; No. 6, Nashville, Ark.; 8-27-68 to 8-26-69.

Seitner Brothers, Inc., department store; 302 Federal Street, Saginaw, Mich.; 9-13-68 to 9-12-69.

Lee Sidney Corp., variety store; No. 732, Sidney, Nebr.; 9-3-68 to 9-2-69.

Sterling Stores Co., Inc., variety stores from 9-3-68 to 8-2-69: 106-110 North Market Street, Benton, Ark.; 130 West Main, Blytheville, Ark.; 109-11 North Vine Street, Harrison, Ark.; Capitol Avenue and Center Street, Little Rock, Ark.; 104 East Hale Street, Osceola, Ark.; 208-212 Main Street, Russellville, Ark.

Super Duper Food Center, food stores: South 3rd and Sayles Boulevard, Abilene, Tex.; 9-15-68 to 9-14-69; 300 Hailey Street, Sweetwater, Tex.; 9-3-68 to 9-2-69.

T. G. & Y. Stores Co., variety stores from 9-3-68 to 9-2-69: No. 174, Fort Smith, Ark.; No. 155, Kansas City, Kans.; No. 143, Mission, Kans.; No. 13, Anadarko, Okla.; No. 31, Bartlesville, Okla.; No. 6, Clinton, Okla.; No. 8, Elk City, Okla.; No. 30, Midwest City, Okla.; No. 57, Muskogee, Okla.; No. 35, Ponca City, Okla.; No. 53, Shawnee, Okla.

Ward Bros., Inc., apparel store; 72 Lisbon Street, Lewiston, Maine; 9-3-68 to 9-2-69.

Weeks, Inc., food store; 505 South Santa Fe, Salina, Kans.; 9-3-68 to 9-2-69.

F. W. Woolworth Co., variety stores from 9-1-68 to 8-31-69 except as otherwise indicated: No. 28, Newark, N.J.; No. 735, Albuquerque, N. Mex.; No. 1298, Carlsbad, N. Mex.; No. 1633, Clovis, N. Mex.; No. 1966, Santa Fe, N. Mex.; No. 633, Eugene, Oreg. (9-8-68 to 8-31-69); No. 981, Medford, Oreg.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment

of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Ann & Hope Factory Outlet, Inc., department store; 1689 Post Road, Warwick, R.I.; bagger; from 2 to 4 percent; 9-18-68 to 9-17-69.

Branson Heights Supermarket, Inc., food store; Highway 76, Branson, Mo.; stock clerk, bagger, cleanup; from 10 to 34 percent; 9-3-68 to 9-2-69.

Britte Department Store, department stores from 9-3-68 to 9-2-69 except as otherwise indicated, salesclerk, stock clerk, office clerk, marker, window trimmer, janitorial, 10 percent except as otherwise indicated: Ellsworth Shopping Center, Ellsworth, Maine (from 0 to 10 percent); No. 549, Bricktown, N.J. (from 9 to 17 percent); No. 563, Freehold, N.J. (9-3-68 to 7-30-69); No. 428, Newton, N.J.

Malcolm Brock Co., department store; 2801 Ming Road, Bakersfield, Calif.; Deb Board Member; from 0.1 to 2 percent; 7-15-68 to 7-14-69.

Cerretanis' Supermarket, Inc., food stores from 7-15-68 to 7-14-69, bagger, stock clerk, from 15 to 19 percent: 34 Essex Street, Melrose, Mass.; 209 Revere Beach Parkway, Revere, Mass.

Bill Crook's Food Town, food stores for the occupations of stock clerk, bagger: No. 3, Hendersonville, Tenn., from 9 to 10 percent, 9-3-68 to 9-2-69; No. 2, Nashville, Tenn., from 8 to 10 percent, 8-30-68 to 8-29-69.

Eagle Stores Co., Inc., variety store; No. 27, Collinsville, Va.; salesclerk, stock clerk, 10 percent; 9-3-68 to 9-2-69.

W. T. Grant Co., variety stores for the occupations of salesclerk, stock clerk, office clerk, cashier except as otherwise indicated: No. 599, Mableton, Ga., from 0.1 to 12 percent, 9-14-68 to 9-13-69 (salesclerk); No. 944, Henderson, Ky., from 4 to 24 percent, 9-15-68 to 9-14-69; No. 1113, Rockland, Maine, from 6 to 10 percent, 9-3-68 to 9-2-69 (salesclerk, cashier); No. 189, Baltimore, Md., from 7 to 10 percent, 9-8-68 to 9-7-69; No. 878, Minneapolis, Minn., from 2 to 18 percent, 9-3-68 to 9-2-69; No. 974, West Caldwell, N.J., from 6 to 18 percent, 9-1-68 to 8-31-69; No. 575, Milton, Pa., from 11 to 36 percent, 9-16-68 to 9-15-69 (salesclerk, stock clerk); No. 1071, Southampton, Pa., from 0 to 9 percent, 9-8-68 to 9-7-69 (salesclerk, stock clerk); No. 848, State College, Pa., from 11 to 36 percent, 9-16-68 to 9-15-69 (salesclerk); No. 729, Kingsport, Tenn., from 3 to 14 percent, 9-1-68 to 8-31-69; No. 902, Barre, Vt., from 4 to 10 percent, 9-3-68 to 9-2-69; No. 209, Vienna, Va., from 4 to 11 percent, 9-3-68 to 9-2-69; No. 564, Milwaukee, Wis., from 8 to 10 percent, 9-18-68 to 9-17-69 (salesclerk, office clerk).

H. E. B. Food Store, food store; No. 20, Fort Lavaca, Tex.; bottle clerk, sacker, package clerk; 10 percent; 9-3-68 to 9-2-69.

Haan's Super Market, Inc., food store; 319 36th Street SW, Wyoming, Mich.; stock clerk, checker, package clerk; from 21 to 35 percent; 8-21-68 to 8-20-69.

Home Town Super Market, food store; 6850 West Bank Expressway, Marrero, La.; chicken packer, janitorial, bottle clerk, bagger, buggy picker upper; from 16 to 32 percent; 8-22-68 to 8-21-69.

King Mart, food store; 1301 East Levee Street, Brownsville, Tex.; stock clerk, checker, carryout, janitorial; from 9 to 11 percent; 9-6-68 to 9-5-69.



S. S. Kresge Co., variety stores from 9-3-68 to 9-2-69 except as otherwise indicated, salesclerk except as otherwise indicated: No. 4046, Hot Springs, Ark., from 2 to 19 percent (9-3-68 to 8-2-69); No. 784, Boulder, Colo., from 3 to 23 percent (salesclerk, checker-cashier, 7-13-68 to 7-12-69); No. 4088, Colorado Springs, Colo., from 9 to 16 percent (salesclerk, stock clerk, office clerk, checker-cashier, 9-20-68 to 9-19-69); No. 4121, Denver, Colo., from 28 to 59 percent (salesclerk, stock clerk, office clerk, checker-cashier, 9-1-68 to 8-31-69); No. 508, Danbury, Conn., 10 percent; No. 259, Waterbury, Conn., from 14 to 28 percent; No. 763, Daytona Beach, Fla., from 5 to 12 percent; No. 4049, Macon, Ga., from 11 to 22 percent (9-17-68 to 9-16-69); No. 4044, Savannah, Ga., from 4 to 14 percent (9-19-68 to 9-18-69); No. 4019, Champaign, Ill., from 4 to 21 percent (salesclerk, stock clerk, checker-cashier, office clerk); No. 4562, Chicago, Ill., from 16 to 41 percent (salesclerk, stock clerk, checker-cashier, office clerk); No. 4156, Urbana, Iowa, from 10 to 24 percent (salesclerk, stock clerk, office clerk, checker-cashier, 8-21-68 to 8-20-69); No. 195, Bangor, Maine, 10 percent; No. 264, Lutherville, Md., 10 percent; No. 450, Braintree, Mass., 10 percent; No. 49, Kansas City, Mo., from 13 to 20 percent (salesclerk, stock clerk, office clerk, checker-cashier); No. 274, Wayne, N.J., from 2 to 10 percent; No. 4518, Ashtabula, Ohio, 10 percent (salesclerk, checker-cashier, stock clerk, maintenance); No. 663, Columbus, Ohio, from 5 to 10 percent (salesclerk, checker-cashier, stock clerk, maintenance, 9-7-68 to 9-6-69); No. 287, Dayton, Ohio, from 6 to 10 percent (salesclerk, stock clerk, checker-cashier, maintenance); No. 4556, Zanesville, Ohio, from 5 to 10 percent (salesclerk, checker-cashier, stock clerk, maintenance); No. 4045, Butler, Pa., from 6 to 10 percent (bagger, salesclerk, checker-cashier, 9-6-68 to 9-5-69); No. 62, Coraopolis, Pa., from 0 to 13 percent; No. 186, Lancaster, Pa., 10 percent; No. 129, Philadelphia, Pa., from 3 to 10 percent; No. 675, Pittsburgh, Pa., from 2 to 16 percent; No. 723, Cleveland, Tenn., from 2 to 17 percent (salesclerk, stock clerk, office clerk, checker-cashier, maintenance, 9-1-68 to 8-31-69); No. 4013, Baytown, Tex., from 7 to 27 percent; No. 729, Orange, Tex., from 7 to 27 percent (9-20-68 to 9-19-69); No. 746, San Antonio, Tex., from 7 to 27 percent (9-5-68 to 9-4-69); No. 196, Alexandria, Va., from 14 to 25 percent (salesclerk, stock clerk, office clerk, checker-cashier, 9-1-68 to 8-31-69); No. 4104, Roanoke, Va., from 14 to 25 percent (salesclerk, stock clerk, office clerk, checker-cashier, maintenance, 9-18-68 to 9-17-69); No. 561, Winchester, Va., from 4 to 10 percent (salesclerk, stock clerk, office clerk, checker-cashier, maintenance, 9-1-68 to 8-31-69); No. 4521, Parkersburg, W. Va., from 4 to 24 percent (salesclerk, stock clerk, 9-1-68 to 8-31-69); No. 4503, Wheeling, W. Va., 10 percent (salesclerk, stock clerk, checker-cashier, maintenance).

S. H. Kress and Co., variety stores from 9-3-68 to 9-2-69 except as otherwise indicated, salesclerk, stock clerk: 1999 Aloma Avenue, Winter Park, Fla., from 1 to 10 percent (9-18-68 to 9-17-69); Bridgeton, N.J., from 17 to 35 percent; 403 Southwest 25th Street, Oklahoma City, Okla., from 0 to 15 percent.

McCall's Greenleaf Grocery, food store; 301 South Porter Street, Norman, Okla.; bagger, checker, carry out; from 10 to 31 percent; 9-18-68 to 9-17-69.

McCrory-McLellan-Green Stores, variety stores from 9-3-68 to 9-2-69 except as otherwise indicated, salesclerk, stock clerk, office clerk, except as otherwise indicated: No. 379, Phoenix, Ariz., from 5 to 16 percent; No. 342, Fort Myers, Fla., from 6 to 15 percent; No. 360, East Alton, Ill., from 11 to 19 percent; No. 343, Hadley, Mass., from 7 to 15 percent;

No. 447, Lapeer, Mich., from 10 to 27 percent (salesclerk, stock clerk); No. 679, Sturgis, Mich., from 10 to 27 percent; No. 7506, Jersey City, N.J., from 9 to 20 percent (9-3-68 to 7-29-69); No. 1072, Succasunna, N.J., from 11 to 32 percent (9-15-68 to 9-14-69); No. 706, Albuquerque, N. Mex., from 0 to 40 percent; No. 90, Bristol, Pa., from 14 to 30 percent (9-20-68 to 9-19-69); No. 341, Mounts-ville, W. Va., from 5 to 22 percent.

Morgan & Lindsey, Inc., variety store; No. 3046, Alexandria, La.; salesclerk, stock clerk; from 6 to 31 percent; 9-16-68 to 8-15-69.

G. C. Murphy Co., variety stores from 9-3-68 to 9-2-69 except as otherwise indicated, salesclerk, stock clerk, office clerk, janitorial: No. 302, Carlisle, Pa., from 17 to 25 percent; No. 280, McKeesport, Pa., from 3 to 23 percent; No. 293, Pittsburgh, Pa., from 9 to 25 percent; No. 94, York, Pa., from 5 to 15 percent (8-22-68 to 8-21-69); No. 173, Austin, Tex., from 10 to 28 percent (9-5-68 to 9-4-69); No. 286, Lubbock, Tex., from 11 to 23 percent (9-6-68 to 9-5-69).

Neisner Brothers, Inc., variety stores from 9-3-68 to 9-2-69 except as otherwise indicated, salesclerk, stock clerk, office clerk except as otherwise indicated: No. 135, Arcadia, Fla., from 10 to 29 percent (9-16-68 to 9-15-69); No. 192, Avon Park, Fla., from 6 to 19 percent (salesclerk, stock clerk); No. 183, Dade City, Fla., from 10 to 23 percent; No. 197, Deland, Fla., from 8 to 17 percent; No. 80, Deltona, Fla., from 8 to 17 percent (9-19-68 to 9-18-69); No. 179, Lake City, Fla., from 8 to 17 percent (salesclerk); No. 196, Marathon, Fla., from 9 to 17 percent (salesclerk, stock clerk); No. 187, New Port Richey, Fla., from 10 to 29 percent; No. 184, Palmetto, Fla., from 10 to 29 percent (salesclerk); No. 79, South Miami, Fla., from 17 to 29 percent (9-19-68 to 9-18-69); No. 189, Stuart, Fla., from 10 to 29 percent; No. 194, Tallahassee, Fla., from 4 to 17 percent; No. 204, Burlington, Iowa, from 4 to 23 percent (salesclerk, stock clerk, office clerk, maintenance); No. 168, Spencer, Iowa, from 4 to 20 percent (salesclerk, stock clerk, maintenance); No. 142, Trenton, N.J., from 13 to 24 percent (salesclerk, stock clerk).

Pleezing Food Store of W. Florida, food store; No. 3, Pensacola, Fla.; bagger, stock clerk, checker, market counter helper; from 8 to 18 percent; 9-14-68 to 9-13-69.

Rayless Department Store, department store; 908-12 Main Street, Lynchburg, Va.; salesclerk, office clerk, stock clerk, marker, cleanup; from 13 to 34 percent; 9-1-68 to 8-31-69.

Rogers Department Store, Inc., department store; 959 28th Street SW., Wyoming, Mich.; salesclerk, stock clerk, marker; 8 percent; 8-31-68 to 8-30-69.

Rose's Stores, Inc., variety stores from 9-5-68 to 9-4-69 except as otherwise indicated, salesclerk, stock clerk, office clerk, checker except as otherwise indicated: No. 140, Columbus, Ga., from 0.3 to 33 percent; No. 77, Gainesville, Ga., from 13 to 32 percent (salesclerk, stock clerk, checker, window trimmer, marker, order writer); No. 164, Valdosta, Ga., from 13 to 32 percent (salesclerk, stock clerk, checker, window trimmer, marker, order writer); No. 91, Winder, Ga., from 13 to 33 percent (salesclerk, stock clerk, checker, window trimmer, marker, order writer, 9-18-68 to 9-17-69); Nos. 6 and 115, Louisville, Ky., from 3 to 16 percent (salesclerk); No. 35, Asheville, N.C., from 13 to 28 percent (salesclerk, stock clerk); No. 38, Beaufort, N.C., from 16 to 26 percent; No. 154, Burlington, N.C., from 13 to 28 percent (9-3-68 to 9-2-69); No. 63, Charlotte, N.C., from 11 to 27 percent (salesclerk, checker); No. 64, Durham, N.C., from 7 to 13 percent (salesclerk, 9-12-68 to 9-11-69); No. 147, Durham, N.C., from 6 to 12 percent; No. 155, Gastonia, N.C., from 11 to 27 percent (9-3-68 to 9-2-69); No. 132, Greensboro, N.C., from 11

to 28 percent; No. 152, Greensboro, N.C., from 6 to 12 percent (salesclerk); No. 162, Greenville, N.C., from 2 to 25 percent (salesclerk); No. 118, Jacksonville, N.C., from 16 to 26 percent; No. 122, Kannapolis, N.C., from 4 to 23 percent (salesclerk, checker); No. 111, Lincolnton, N.C., from 9 to 18 percent (salesclerk); No. 179, Monroe, N.C., from 11 to 27 percent (salesclerk, checker, 9-18-68 to 9-17-69); No. 68, Mount Airy, N.C., from 13 to 23 percent; No. 90, Mount Olive, N.C., from 21 to 41 percent (salesclerk); No. 81, Plymouth, N.C., from 2 to 25 percent (salesclerk); No. 18, Reidsville, N.C., from 13 to 28 percent (salesclerk, stock clerk); No. 78, Rocky Mount, N.C., from 4 to 20 percent (9-3-68 to 9-2-69); No. 169, Salisbury, N.C., from 11 to 27 percent (salesclerk, checker); No. 153, Shelby, N.C., from 11 to 27 percent (9-3-68 to 9-2-69); No. 131, West Jefferson, N.C., from 0.4 to 23 percent; No. 39, Williamston, N.C., from 5 to 29 percent (salesclerk, stock clerk); No. 159, Wilson, N.C., from 4 to 20 percent; No. 160, Winston-Salem, N.C., from 19 to 31 percent; No. 150, Columbia, S.C., from 6 to 29 percent (stock clerk, salesclerk, 9-3-68 to 9-7-69); No. 161, Florence, S.C., from 6 to 18 percent (salesclerk, stock clerk); No. 166, Greenwood, S.C., from 3 to 16 percent (salesclerk); No. 67, North Augusta, S.C., from 6 to 21 percent (9-3-68 to 9-2-69); No. 101, Spartanburg, S.C., from 11 to 27 percent; No. 66, Blacksburg, Va., from 6 to 16 percent; No. 89, Charlottesville, Va., from 3 to 16 percent (salesclerk); No. 54, Danville, Va., from 5 to 9 percent (9-3-68 to 9-2-69); No. 167, Hampton, Va., from 11 to 39 percent (salesclerk, stock clerk); No. 168, Hopewell, Va., from 3 to 16 percent (salesclerk); No. 84, Lexington, Va., from 3 to 16 percent (salesclerk); No. 158, Martinsville, Va., from 5 to 9 percent (salesclerk, checker); No. 141, Newport News, Va., from 13 to 31 percent (salesclerk); No. 58, Pulaski, Va., from 6 to 24 percent; No. 55, Radford, Va., from 3 to 16 percent (salesclerk); No. 151, Roanoke, Va., from 0 to 5 percent; No. 113, Virginia Beach, Va., from 13 to 31 percent (salesclerk).

Rusty's Food Centers, Inc., food store; 620 North Second Street, Lawrence, Kans.; sacker, carryout; from 12 to 20 percent; 9-3-68 to 9-2-69.

T. G. & Y. Stores Co., variety stores from 9-3-68 to 9-2-69 except as otherwise indicated, salesclerk, stock clerk, office clerk: No. 780, Inverness, Fla., from 2 to 17 percent (9-18-68 to 9-17-69); No. 786, Orlando, Fla., from 2 to 17 percent (9-18-68 to 9-17-69); No. 159, from 5 to 34 percent; No. 151, Gladstone, Mo., from 22 to 31 percent (8-24-68 to 8-23-69); No. 454, Hannibal, Mo., from 14 to 33 percent; No. 304, Liberty, Mo., from 22 to 31 percent (9-12-68 to 9-11-69); No. 152, Parkville, Mo., from 22 to 31 percent (9-12-68 to 9-11-69); No. 65, Enid, Okla., from 23 to 25 percent.

Warshaw's Giant Foods, food stores from 9-16-68 to 9-15-69, bagger, from 26 to 33 percent; 3271 East 3300 South, Salt Lake City, Utah; 50 East 3900 South, Salt Lake City, Utah.

F. W. Woolworth Co., variety stores for the occupation of salesclerk: No. 2602, Hays, Kans., from 2 to 13 percent, 9-20-68 to 9-19-69; No. 2468, Maitland, La., from 5 to 22 percent, 9-1-68 to 8-31-69; No. 1029, St. Louis, Mo., from 9 to 15 percent, 9-18-68 to 9-17-69.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment op-



portunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 9th day of December 1968.

ROBERT G. GRONEWALD,  
*Authorized Representative  
of the Administrator.*

[F.R. Doc. 68-14925; Filed, Dec. 13, 1968;  
8:45 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 747]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 11, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 31644 (Sub-No. 5 TA), filed December 6, 1968. Applicant: H. G. BAUER MOVING & STORAGE, INC., 1111 Barracks Street, New Orleans, La. 70116. Applicant's representative: Alan F. Wohlsetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Orleans, Jefferson, St. Bernard, St. Charles, Plaquemine, Lafourche, Terrebonne, St. James, St. John Baptist, Ascension, Livingston, East Baton Rouge, and Tangipahoa Parishes, La., restricted to the transportation of traffic having a prior or subsequent

movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Davidson Forwarding Co., 3180 V Street NE., Washington, D.C. 20018. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 117823 (Sub-No. 34 TA), filed December 6, 1968. Applicant: DUNKLEY REFRIGERATED TRANSPORT, INC., 240 West California Avenue, Salt Lake City, Utah 845. Applicant's representative: Lon Rodney Kump, 720 New House Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except frozen foods, from points in Washington and Oregon to points in Utah, and Twin Falls, Pocatello, and Idaho Falls, Idaho, when transported at the same time and in the same vehicle with frozen foods, for 180 days. Supporting shippers: Utah Packers, Inc., 366 South Fifth East Street, Salt Lake City, Utah 84102; Nicholas & Co., 613 South Third West Street, Salt Lake City, Utah 84101; and Utah Wholesale Grocery Co., Inc., Post Office Box 269, Salt Lake City, Utah 84110. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 129171 (Sub-No. 1 TA), filed December 6, 1968. Applicant: ARTHUR SHELLEY, Rural Delivery No. 1, Dallas, Pa. 18612. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and bakery goods*, in refrigerated equipment, from Elizabeth and Hammonton, N.J., to Los Angeles and Oakland, Calif.; Portland, Oreg., and Seattle, Wash., for 180 days. Supporting shippers: Delicia, Inc., 614 Progress Street, Elizabeth, N.J. 07201; Deer Park Baking Co., South Egg Harbor Road, Hammonton, N.J. 08037. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

By the Commission.

[SEAL]

H. NEIL GARSON,  
*Secretary.*

[F.R. Doc. 68-14946; Filed, Dec. 13, 1968;  
8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 25;  
Amdt. 1]

### ATCHISON, TOPEKA & SANTA FE RAILWAY CO., ET AL.

#### Car Distribution

Upon further consideration of Car Distribution Direction No. 25 (The Atchison, Topeka & Santa Fe Railway Co.; Chicago, Burlington & Quincy Railroad Co.;

Northern Pacific Railway Co.) and good cause appearing therefor:

*It is ordered, That:*

Car Distribution Direction No. 25 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., December 29, 1968, unless otherwise modified, changed, or suspended.

*It is further ordered, That* this amendment shall become effective at 11:59 p.m., December 15, 1968, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1968.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
*Agent.*

[SEAL]

[F.R. Doc. 68-14947; Filed, Dec. 13, 1968;  
8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 8;  
Amdt. 4]

### BOSTON AND MAINE CORP., ET AL Car Distribution

Upon further consideration of Car Distribution Direction No. 8 (Boston & Maine Corp.; Penn Central Co.; Chicago & North Western Railway Co.) and good cause appearing therefor:

*It is ordered, That:*

Car Distribution Direction No. 8 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., December 29, 1968, unless otherwise modified, changed, or suspended.

*It is further ordered, That* this amendment shall become effective at 11:59 p.m., December 15, 1968, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1968.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
*Agent.*

[SEAL]

[F.R. Doc. 68-14948; Filed, Dec. 13, 1968;  
8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 19;  
Amdt. 2]

### CHESAPEAKE & OHIO RAILWAY CO. AND CHICAGO & NORTH WESTERN RAILWAY CO.

#### Car Distribution

Upon further consideration of Car Distribution Direction No. 19 (The Ches-



apeake & Ohio Railway Co.; Chicago & North Western Railway Co.) and good cause appearing therefor:

*It is ordered, That:*

Car Distribution Direction No. 19 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., December 29, 1968, unless otherwise modified, changed, or suspended.

*It is further ordered, That* this amendment shall become effective at 11:59 p.m., December 15, 1968, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1968.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[F.R. Doc. 68-14949; Filed, Dec. 13, 1968; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 12; Amdt. 3]

# THE KANSAS CITY SOUTHERN RAILWAY CO., AND CHICAGO & NORTH WESTERN RAILWAY CO.

## Car Distribution

Upon further consideration of Car Distribution Direction No. 12 (The Kansas City Southern Railway Co.; Chicago & North Western Railway Co.) and good cause appearing therefor:

*It is ordered, That:*

Car Distribution Direction No. 12 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., December 29, 1968, unless otherwise modified, changed, or suspended.

*It is further ordered, That* this amendment shall become effective at 11:59 p.m., December 15, 1968, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1968.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[F.R. Doc. 68-14950; Filed, Dec. 13, 1968; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 20; Amdt. 1]

# LEHIGH VALLEY RAILROAD CO., ET AL.

## Car Distribution

Upon further consideration of Car Distribution Direction No. 20 (Lehigh Valley Railroad Co.; The Chesapeake & Ohio Railway Co.; Chicago & North Western Railway Co.; Great Northern Railway Co.) and good cause appearing therefor:

*It is ordered, That:*

Car Distribution Direction No. 20 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., December 29, 1968, unless otherwise modified, changed, or suspended.

*It is further ordered, That* this amendment shall become effective at 11:59 p.m., December 15, 1968, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1968.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[F.R. Doc. 68-14951; Filed, Dec. 13, 1968; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 16; Amdt. 3]

# LOUISVILLE & NASHVILLE RAILROAD CO., AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

## Car Distribution

Upon further consideration of Car Distribution Direction No. 16 (Louisville & Nashville Railroad Co.; Chicago, Burlington & Quincy Railroad Co.) and good cause appearing therefor:

*It is ordered, That:*

Car Distribution Direction No. 16 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., December 29, 1968, unless otherwise modified, changed, or suspended.

*It is further ordered, That* this amendment shall become effective at 11:59 p.m., December 15, 1968, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1968.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[F.R. Doc. 68-14952; Filed, Dec. 13, 1968; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 24; Amdt. 1]

# PENN CENTRAL CO. ET AL.

## Car Distribution

Upon further consideration of Car Distribution Direction No. 24 (Penn Central Co.; Chicago, Burlington & Quincy Railroad Co.; Northern Pacific Railway Co.) and good cause appearing therefor:

*It is ordered, That:*

Car Distribution Direction No. 24 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., December 29, 1968, unless otherwise modified, changed, or suspended.

*It is further ordered, That* this amendment shall become effective at 11:59 p.m., December 15, 1968, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1968.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[F.R. Doc. 68-14953; Filed, Dec. 13, 1968; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction No. 23; Amdt. 1]

# READING CO. ET AL.

## Car Distribution

Upon further consideration of Car Distribution Direction No. 23 (Reading Co., Western Maryland Railway Co.; Norfolk & Western Railway Co.; Chicago, Rock Island & Pacific Railroad Co.; Great Northern Railway Co.) and good cause appearing therefor:

*It is ordered, That:*

Car Distribution Direction No. 23 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., December 29, 1968, unless otherwise modified, changed, or suspended.

*It is further ordered, That* this amendment shall become effective at 11:59 p.m., December 15, 1968, and that it shall be served upon the Association of Amer-



ican Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1968.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[F.R. Doc. 68-14954; Filed, Dec. 13, 1968;  
8:48 a.m.]

[S.O. 1002; Car Distribution Direction No. 22;  
Amdt. 1]

# **ST. LOUIS-SAN FRANCISCO RAILWAY CO., AND CHICAGO & NORTH WESTERN RAILWAY CO.**

## **Car Distribution**

Upon further consideration of Car Distribution Direction No. 22 (St. Louis-San Francisco Railway Co.; Chicago & North Western Railway Co.) and good cause appearing therefor:

*It is ordered, That:*

Car Distribution Direction No. 22 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 29, 1968, unless otherwise modified, changed, or suspended.

*It is further ordered, That* this amendment shall become effective at 11:59 p.m., December 15, 1968, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1968.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[F.R. Doc. 68-14958; Filed, Dec. 13, 1968;  
8:48 a.m.]

[S.O. 1002; Car Distribution Direction No. 18;  
Amdt. 2]

# **SEABOARD COAST LINE RAILROAD CO., ET AL.**

## **Car Distribution**

Upon further consideration of Car Distribution Direction No. 18 (Seaboard Coast Line Railroad Co.; Louisville & Nashville Railroad Co.; Chicago & Eastern Illinois Railroad Co.) and good cause appearing therefor:

*It is ordered, That:*

Car Distribution Direction No. 18 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date:* This direction shall expire at 11:59 p.m., December 29, 1968, unless otherwise modified, changed, or suspended.

*It is further ordered, That* this amendment shall become effective at 11:59 p.m., December 15, 1968, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1968.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[F.R. Doc. 68-14956; Filed, Dec. 13, 1968;  
8:48 a.m.]

[S.O. 1002; Car Distribution Direction No. 2;  
Amdt. 4]

# **SOUTHERN RAILWAY CO., AND CHI- CAGO, BURLINGTON & QUINCY RAILROAD CO.**

## **Car Distribution**

Upon further consideration of Car Distribution Direction No. 2 (Southern Railway Co.; Chicago, Burlington & Quincy Railroad Co.) and good cause appearing therefor:

*It is ordered, That:*

Car Distribution Direction No. 2 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date:* This direction shall expire at 11:59 p.m., December 29, 1968, unless otherwise modified, changed, or suspended.

*It is further ordered, That* this amendment shall become effective at 11:59 p.m., December 15, 1968, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1968.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[F.R. Doc. 68-14957; Filed, Dec. 13, 1968;  
8:48 a.m.]

[S.O. 1002; Car Distribution Direction No.  
15-A]

# **SOUTHERN PACIFIC CO., AND CHI- CAGO, ROCK ISLAND & PACIFIC RAILROAD CO.**

## **Car Distribution**

Upon further consideration of Car Distribution Direction No. 15 (Southern

Pacific Co.; Chicago, Rock Island & Pacific Railroad Co.) and good cause appearing therefor:

*It is ordered, That:*

Car Distribution Direction No. 15 be, and it is hereby vacated.

*It is further ordered, That* this order shall become effective at 9 a.m., December 10, 1968, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 10, 1968.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[F.R. Doc. 68-14958; Filed, Dec. 13, 1968;  
8:48 a.m.]

# **NATIONAL COMMISSION ON PRODUCT SAFETY**

## **HOUSEHOLD PRODUCTS PRESENTING HEALTH AND SAFETY RISK**

### **Notice of Hearing**

Notice is hereby given that pursuant to section 3(a) of Public Law 90-146, the National Commission on Product Safety will hold public hearings at 9:30 a.m. on January 14, 1969, in Room 1202, New Senate Office Building, Washington, D.C. The subject of the hearings will be—Architectural Glass: Case Study of a Safety Hazard. The subject will include the following:

(1) Nature and severity of injuries associated with glass used in doors, windows, wall panels, and other places in the home;

(2) Types of safety glass and cost differential between regular glass and safety glass;

(3) Extent of use of safety glass in doors, windows, and wall panels today;

(4) Liability of manufacturers, architects, and builders for injuries caused by glass used in homes and the effect of such civil liability in promoting safety;

(5) Existing and proposed measures to reduce or eliminate injuries caused by glass used in the home; and

(6) Position of Government, the home building industry, glass and sliding door manufacturers and others on existing and proposed methods of reducing or eliminating injuries.

Interested persons are invited to attend and participate by the submission of written statements. Such statements should be furnished to the Commission at its office, 1016 16th Street NW., Washington, D.C. 20036, not later than Janu-



ary 7, 1969. Such statements will be made a part of the record of the hearings and will be available for inspection by the public.

Interested persons desiring to offer oral testimony at these hearings should advise the Commission and file written statements setting forth the substance of

their proposed testimony by January 7, 1969. The Commission will attempt to grant such requests to the extent time permits.

Persons desiring to furnish oral testimony or to submit statements at subsequent Commission hearings are invited to so advise the Commission in writing,

specifying the proposed subject of their testimony and group affiliation, if any.

Dated: December 11, 1968.

ARNOLD B. ELKIND,  
Chairman.

[F.R. Doc. 68-15037; Filed, Dec. 13, 1968;  
8:49 a.m.]

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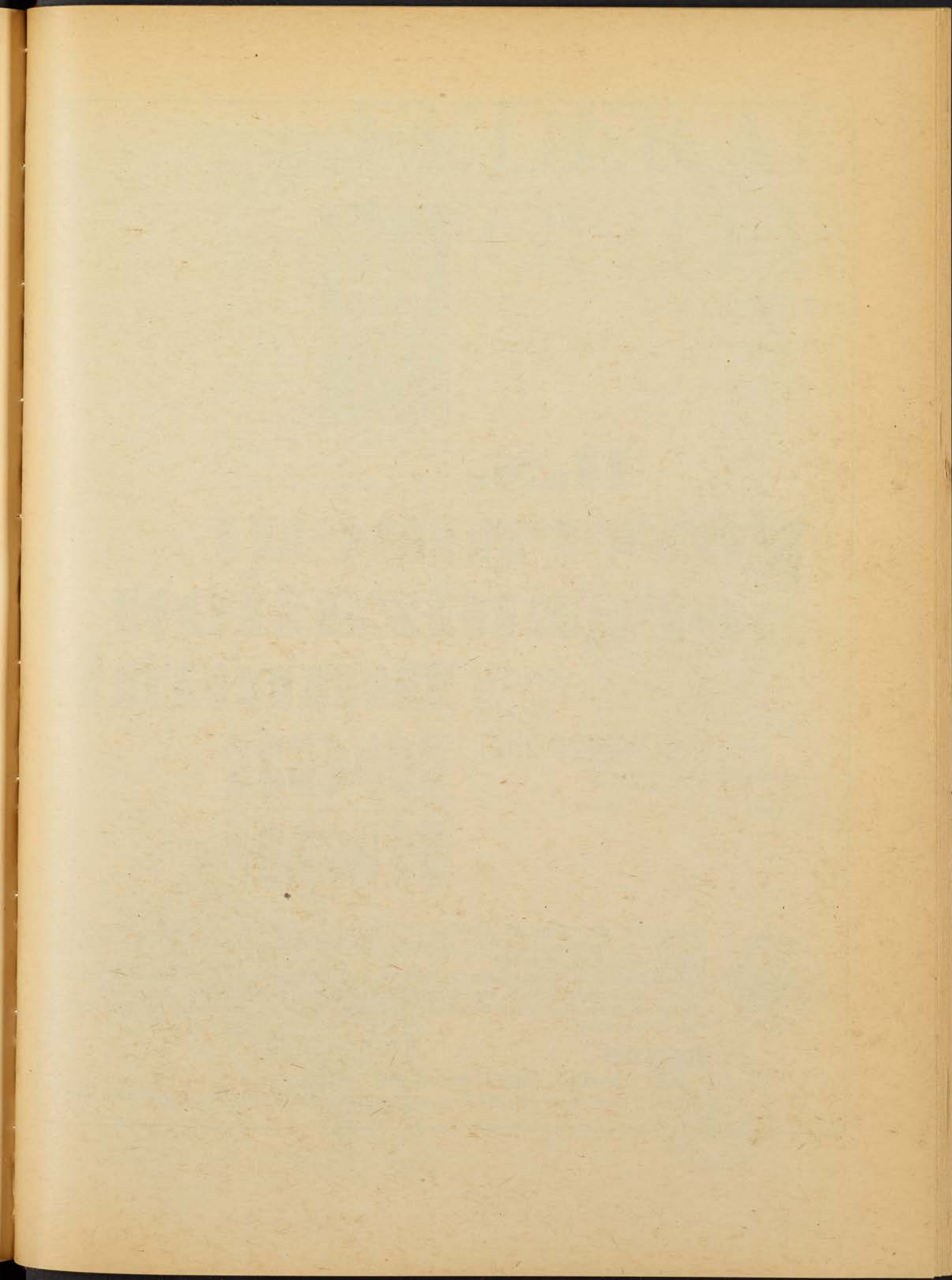




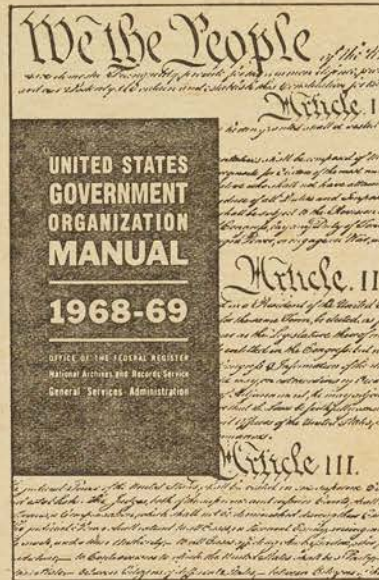












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